

**Title 16, Dental Board of California
DEPARTMENT OF CONSUMER AFFAIRS**

INITIAL STATEMENT OF REASONS

Hearing Date: No Hearing Has Been Scheduled

Subject Matter of the Proposed Regulations: Applications for Dentist Licensure and Fees

Sections Affected: California Code of Regulations, Title 16, Division 10, Sections 1021, 1028, 1028.4, 1028.5, 1030, and 1035, and Repeal Sections 1032, 1032.1, 1032.2, 1032.3, 1032.4, 1032.5, 1032.6, 1032.7, 1032.8, 1032.9, 1032.10, 1033.1, 1034, and 1036.01

Background and Statement of the Problem:

The Dental Board of California (Board) licenses and regulates approximately 104,000 dental professionals pursuant to the provisions of the Dental Practice Act ("Act" – Bus. & Prof. Code, §§ 1600 and following). The Board licenses and regulates dentists, registered dental assistants (RDAs), and registered dental assistants in extended functions (RDAEFs). The Board also sets the duties and functions of unlicensed dental assistants and establishes standards for the issuance of permits to administer anesthesia and sedation. In carrying out this complex work, the Board's highest priority is the protection of the public. While working to enable dental professionals to practice with safety to the public in California, the Board licenses only those individuals who meet minimum standards for licensure.

As of December 31, 2024, Business and Professions Code (BPC) section 1632, subdivision (c), specified that the Dental Board of California (Board) shall require each dentist license applicant to have taken and received a passing score on one of the following examinations: (1) the Portfolio examination conducted while the applicant is enrolled in a dental school program; (2) the clinical and written examination administered by the Western Regional Examining Board (WREB) within five years prior to the date of their application for a license; or (3) the clinical and written examination developed by the American Board of Dental Examiners, Inc. (ADEX) within five years prior to the date of their application for a license. ADEX examination was reviewed and adopted by the Board on November 15, 2019, for use as an examination for licensure. As of January 1, 2025, pursuant to the

provisions of Senate Bill (SB) 1453, the Portfolio examination pathway has been legislatively eliminated as a pathway for dentist licensure.

Board regulations related to application for licensure as a dentist at California Code of Regulations (CCR), title 16, section 1028, were last substantively amended in 2014 and currently only refer to the WREB and Portfolio examination pathways. In addition, the regulation does not reflect changes in statutes, other regulations, and program recommendations for processing licensing applications that have occurred since 2014, including the Board's online application process, elimination of the Portfolio examination pathway, standards for denying an application based upon revised standards set forth in BPC section 480, requirements for collecting U.S. military service information, requirements for waiving the initial license and application fee for individuals married to or in a domestic partnership with an active duty member of the U.S. Armed Forces, or other requirements for expediting the licensure process (see BPC §§ 114.5, 115.4, 115.5 and 135.4).

As a result of changes from statutes, regulations, and program recommendations, the Board proposes to update its current dentist licensing application requirements and fees, including the following:

(1) elimination of all references in regulations to the Portfolio examination, including the application form, the associated fee, and related Portfolio licensing standards (CCR §§ 1021, 1028, 1032, 1032.1, 1032.2, 1032.3, 1032.4, 1032.5, 1032.6, 1032.7, 1032.8, 1032.9, 1032.10, 1033.1, 1034, 1035, and 1036.01).

(2) a fee increase for processing the initial dentist license application using either the ADEX or WREB pathway from \$400 to \$490 in CCR section 1021.

(3) a fee increase for the processing of the law and ethics examination application fee for dentist licensure applicants from \$125 to \$180 in CCR section 1021.

(4) amendments to CCR sections 1028, 1028.4, and 1028.5 to repeal the forms incorporated by reference in these sections regarding submission of paper forms for the (A) initial application for licensure to practice dentistry for the WREB examination pathway, (B) the application for issuance of license number and registration of place of practice pursuant to BPC section 1650, and (C) the application for California law and ethics examination pursuant to Section 1632(b). This proposal would instead place those applications and associated requirements for a "completed" application in a narrative form to allow for electronic or paper application submission options and add the ADEX pathway, as specified.

(5) the addition of, and provision of notice of required payment of, a convenience fee for those submitting applications online through BreEZe and using a credit card, as specified, in CCR sections 1028 (application for licensure to practice dentistry), 1028.4 (application for issuance of license number and registration of place of practice), and 1028.5 as well as options for hard copy submission and payment of application fees without a convenience fee, as specified. (application for the California law and ethics examination).

(6) For the application for licensure to practice dentistry in CCR section 1028, the application would include the following proposed amendments to existing application requirements:

(A) Specifying the process for submission of an application to practice dentistry either electronically using the Department of Consumer Affairs' online licensing system entitled "BreEZe" or for submission of an application by mail or hand delivery;

(B) Providing updated content of what the Board considers a "completed" application, as specified;

(C) Requiring the Board to waive the application fee for qualified applicants under BPC section 115.5 (married to or in a domestic partnership or other legal union with an active-duty member of the US Armed Forces assigned to a duty station in California and holds current license in another state), as specified;

(D) Amending requirements for submission of certifications showing a record of previous dental practice from each state or jurisdiction in which licensure as a dentist has been attained, as specified,

(E) Specifying the process for submitting fingerprints for the purpose of conducting a criminal history record check,

(F) Specifying applicant identifying and contact information,

(G) Requiring disclosure of the applicant's military service (if applicable),

(H) Asking if the applicant is seeking expedited processing based on requirements set forth in BPC sections 115.4, 115.5, or 135.4, and specifying the qualifying information to submit in support of the request for expedited processing,

(I) Specifying the requirements for fee waiver for qualified applicants based on BPC section 115.5 and the qualifying information to submit in support of the request for the fee waiver,

(J) Requiring disclosure of information about whether the applicant is currently registered with the federal Drug Enforcement Administration (DEA) to prescribe or dispense controlled substances, and requiring disclosure of the DEA registration number,

(K) Repealing the current requirement for a 2 inch by 2 inch passport-style photo to be submitted with the current “Application for Licensure to Practice Dentistry (WREB)”, Form 33A-22W (Revised 11/06) (proposed to be repealed in this rulemaking) or the “Application for Determination of Licensure Eligibility (Portfolio),” Form 33A-22P (New 11/2014) (proposed to be repealed in this rulemaking),

(L) Specifying the types of information to be disclosed about an applicant’s dental education and postgraduate study (if applicable),

(M) Specifying the “acceptable certification” requirements for the certification from the dean of the applicant’s qualifying dental school and adding instructions on how to submit that certification to the Board,

(N) Repealing the existing disclosure requirement for providing information regarding whether the applicant has any pending or had in the past any charges filed against a dental license or other healing arts license,

(O) Revising the existing disclosure requirements for an applicant’s history of prior disciplinary actions, denials of a dental license (and adding disclosures of denials of a DEA permit), surrenders of a license to practice dentistry in another state or country, or pending investigations by any governmental entity, to exclude disclosures of those actions based upon an applicant’s criminal conviction history,

(P) Limiting required disclosures of any prior disciplinary actions taken against any dental license or other healing arts license held by the applicant to the following time period: within the preceding seven years from the date of their application pursuant to BPC section 480. The proposal would also remove references to disclosure of any charges “convicted of” and replacing it with charges “proven” by the other governmental entity,

(Q) Specifying that disciplinary and/or investigatory action by the federal Drug Enforcement Administration against permits issued by that agency would be included in the disclosure requirements for application for licensure,

(R) Specifying the additional information the Board may require if the applicant is the subject of any pending investigation,

(S) Eliminating the requirement to disclose if an applicant is in default on a U.S. Department of Health and Human Services education loan pursuant to BPC section 685 (now repealed).

(T) Adding a disclosure notice relating to actions of non-dentists authorized by BPC section 1625.4 and 1625.4 upon the death or incapacity of a dentist,

(U) Adds a written, signed statement acknowledging receipt of the Board's Notice of Information Collection and Access, as specified,

(V) Requiring an applicant for licensure who seeks to qualify upon passage of the American Board of Dental Examiners, Inc.'s (CDCA-WREB-CITA) "ADEX" examination to also authorize the CDCA-WREB-CITA to provide the Board the applicant's cumulative score report showing the applicant's name, test date, the examination taken, and that the applicant passed all portions of the examination as evidence of having successfully passed, on or after November 15, 2019 and within five years prior to the date of their application, the ADEX examination,

(W) Requiring the applicant to sign any release, waiver, or consent forms required by CDCA-WREB-CITA to authorize the release and submission of their cumulative score report to the Board and receipt of such report shall be deemed compliance with the examination requirements of BPC Section 1632(c)(2),

(X) Specify the fingerprint requirements for applicants to meet prior to issuance of a license to practice dentistry; and,

(Y) Specify that, after filing an application to practice dentistry, an applicant shall receive written confirmation of the receipt of their application and their assigned application file number from the Board to be used in all communications with the Board. The proposal would require the Board to mail a written deficiency letter or an approval letter, as

applicable, to the applicant that includes confirmation of receipt and lists their file number.

(7) Amend CCR section 1030 for applicants to show proof of successful completion of the National Board Dental Examinations of the Joint Commission on National Dental Examinations, as specified. This proposal would also add the requirement that applicants submit confirmation thereof to the Board within one year from the date of submission of the initial licensure application in CCR Section 1028, by mail or electronically, as specified.

(8) Make non-substantive changes to renumber and re-letter subsections and correct cross-references, make grammatical changes, add new BPC sections to the authority and reference provisions of the “Note” sections of the regulations, change “candidate” to “applicant”, and change gendered pronouns to non-gendered nouns.

Anticipated Benefits of the Regulations

The proposed regulations would update the application process for dentist licensure and the applicable examination requirements to reflect recent changes in dental examinations. The Western Regional Examination Board (WREB) examination was discontinued in 2022 and the Board approved the ADEX examination in November 2019, requiring changes in the regulations, which currently do not refer to the new ADEX examination pathway.

The intent of the proposal is to revise the regulations covering applications for dentist licensure to reflect current law and changes in regulatory requirements, which helps protect the public by providing accurate and consistent information regarding requirements for entry level into the profession. The proposal would add clarity to the regulations regarding the licensure process, including requirements for expediting applications or for the waiver of fees for qualified applicants. Providing this clarity helps provide notice and give applicants a better understanding of the application requirements, which reduces the likelihood of deficiencies in applications.

Finally, the Board’s proposal to increase fees for the initial application and the application for the law and ethics examination would help the Board to implement its responsibilities for licensing only qualified applicants and to recover the Board’s actual costs of processing these applications.

Specific Purpose of, and Factual Basis/Rationale for each adoption, amendment or repeal

The Board proposes to:

Amend Section 1021 Relating to Examination, Permit and License Fees for Dentists.

Amend Introductory Sentence to Section 1021

Purpose: Add the word “nonrefundable” in the introductory sentence so that it reads, in part: “The following nonrefundable fees are set for dentist examination and licensure by the Board, . . .”

Rationale: These changes are necessary to ensure adequate notice that these fees are non-refundable and considered earned when submitted for processing to the Board. Further, this change is consistent with state policy. The State of California State Administrative Manual (SAM), section 9210, provides that it is state policy for departments to recover full costs whenever goods or services are provided to others. Section 9210 of the SAM specifies that full costs include “all costs attributable directly to the activity plus a fair share of indirect costs which can be ascribed reasonably to the good or service provided.”

Amend Section 1021(a)

Purpose: Amend section 1021(a) to raise the Initial Application for those applicants qualifying pursuant to Section 1632(c)(1) (WREB) of the Business and Professions Code from \$400 to \$490, and add the new pathway reference to include ADEX applicants qualifying pursuant to BPC section 1632(c)(2), who would also be charged the new \$490 initial application fee.

Rationale: BPC section 1724(a) authorizes the Board to charge applicants for the application for licensure “not to exceed” \$1,500. The State of California State Administrative Manual (SAM), section 8752, provides that it is state policy for departments to recover full costs whenever goods or services are provided to others. Section 8752 of the SAM specifies that full costs include “all costs attributable directly to the activity plus a fair share of indirect costs which can be ascribed reasonably to the good or service provided.”

This proposed fee increase is necessary to reflect changes in the costs for processing an initial application for licensure for WREB applicants, and to include the fee for processing the initial application for those applicants qualifying through passage of the ADEX exam in these regulations consistent with the statutory changes to BPC Section 1632 that have occurred since these regulations were last revised. This fee increase would reflect the workload and other costs associated with processing these applications. See workload cost calculations showing each task associated with processing the WREB and ADEX licensing applications in the Underlying data and below. These fees are necessary for the Board to implement its responsibilities for licensing only qualified applicants as prescribed by the Act and accompanying regulations at CCR section 1028, and to recover the Board's actual costs of processing these applications in accordance with SAM section 8752.

Board staff conducted desk audits to support the fee increases in this proposal that considered both possible methods of application submission, either via paper or online, and also revised 2025-26 salary rate calculators to support the fees proposed. The workload analysis is provided in the Underlying Data section of this document.

At the November 2023 Board meeting, staff had originally recommended the initial license application fee be increased to \$500. This number is now being proposed to be increased to \$490 instead after release of the Governor's 2025-26 Budget on January 10, 2025 that indicates a reduction in costs to the Board due primarily to reductions in retirement benefits, the Board's Department of Consumer Affairs pro rata charges (administrative charges paid by the Board for its share of administrative services provided by the Department of Consumer Affairs per BPC section 201), and other cost cutting measures.

BPC section 1724, subdivision (a), currently caps at \$1,500 the dentist licensure application fee for applicants using the WREB examination and \$1,000 for applicants using the ADEX examination. The proposed \$90 increase for both pathways would maintain the application for licensure fee well within the Board's statutory fee cap authority. For ease of reference, both pathways and the associated fee would be listed in subsection (a) and the prior reference to WREB pathway applicants in BPC section 1632(c)(1) struck in subsection (c).

Repeal Section 1021(c)

Purpose: Repeal existing references to the WREB examination pathway per BPC section 1632(c)(1) that is currently listed in this subsection as it is proposed to be moved to subsection (a).

Rationale: Since this provision would be moved to subsection (a), it is proposed to be repealed in this subsection as redundant.

Amend subsections (d)-(ah) of Section 1021 to be re-lettered to (c)-(ag)

Purpose: This proposal would update the lettering of this subsection to account for the deletion of existing subsection (c) and any cross-references that would be affected by the proposed renumbering/re-lettering of the above-noted subsections.

Rationale: This is necessary for easier comprehension and to ensure that the subsections are accurately re-lettered to proceed in alphabetical order consistent with the current lettering system in this section.

Amend Section 1021(“ad” re-lettered to “ac” in this proposal)

Purpose: Amend this subsection to raise the Application for Law and Ethics Examination fee from \$125 to \$180.

Rationale: BPC section 1724(v) authorizes the Board to charge a fee for the application for law and ethic examination “not to exceed” \$250. As stated in the rationale above for the proposed fee increase for CCR 1028(a), this proposed fee increase is necessary to reflect changes in the costs for processing the application for law and ethics examination. See workload cost calculations showing each task associated with processing the California law and ethics examinations applications in the Underlying data and below. These fees are necessary for the Board to implement its responsibilities for licensing only qualified applicants as prescribed by the Act and accompanying regulations at CCR section 1028.5, and to recover its actual costs of processing these applications in accordance with SAM section 8752.

Amend Section 1021 (ad) (re-lettered from (ac))

Purpose: This proposal would rename the “Application for Use of Oral Conscious Sedation of Adult Patients” to “Application for Adult Oral Conscious Sedation Certificate”.

Rationale: The Act was amended by SB 1453 to rename this certificate to “Adult Oral Conscious Sedation Certificate” and its associated fee as specified in BPC sections 1647.20 and 1724(r). As a result, to avoid inconsistencies and update the terminology for this certificate, it is necessary for the Board to revise the certificate title as indicated.

Amend Section 1028 Relating to Application for Licensure for Dentists.

Section 100 renumbering

Purpose and Rationale: The Board proposes to add, repeal and amend various provisions that would require paragraph re-numbering to ensure chronological and sequential numbering of paragraphs. As a result, throughout this proposal, paragraphs are proposed to be renumbered to account for amendments, repeals or adoptions of new subsections.

Amend Section 1028 (a)

Purpose: Existing regulations at subsection (a) specify that an applicant for licensure as a dentist shall submit an “Application for Licensure to Practice Dentistry” (WREB) Form 33A-22W (Revised 11/06), which is hereby incorporated by reference, or “Application for Determination of Licensure Eligibility (Portfolio)” Form 33A-22P (New 11/2014), which are hereby incorporated by reference. This proposal would strike references to the Portfolio pathway to licensure in prior BPC section 1632(c)(2) which was repealed by SB 1453 and the forms required to apply for licensure as a dentist through either the WREB or Portfolio pathways. It would add specific citations to BPC sections 1632(c)(1) (WREB examination applicant pathway) and 1632(c)(2) (ADEX examination applicant pathway) to make this subsection only applicable to WREB and ADEX examination applicants.

Finally, amendments to subsection (a) would include a new sentence specifying the requirements for submitting to the Board a completed application as specified in subsection (b) and meeting the other applicable requirements of this section.

Rationale: These proposed amendments are necessary to consolidate WREB and ADEX examination applicant requirements in this subsection and to specify that the Board requires submission of a “completed” application as specified in subsection (b). Completed applications are necessary to ensure effective review of applicant qualifications and to avoid deficiencies in the application process. Indicating the section applies to applicants who qualify under BPC sections 1632(c)(1) or (c)(2) and that they must meet the other applicable requirements of this section provides greater notice of the purpose of this subsection and provides all requirements in a convenient centralized location.

These changes are necessary to facilitate the consolidation of the application requirements and various methods of submission of the application (online, mail or hand delivery). The Board believes it is necessary for the narrative format to be used for the most effective and least confusing implementation of existing laws for those applying through the ADEX or

WREB pathways (with all requirements for a completed WREB or ADEX application proposed to be placed in one location in subsection (b)).

To further facilitate that transition, the Board proposes to strike the WREB application form incorporated by reference in this section. Also, since the form is not reflective of all the law changes since 2006 and otherwise largely replicates what is listed in this existing section, the Board proposes to strike it as unnecessary and duplicative of standards already listed in CCR 1028 as shown below.

Section of Current Form 331-22W (Rev. 11/06)	Corresponding CCR section 1028 subsection covering similar subject matter or rationale for repeal of the item as proposed by this rulemaking
Requirement for a 2 inch by 2 inch passport-style photo	Repealed as unnecessary since the Board no longer uses the photo to validate identity and photos can quickly become outdated after filing.
List of required application, fees and fingerprint fees	Subsections (b)(1), (e)
Applicant identifying and contact information (Questions 1-5)	Subsection (b)(5)
Request for accommodation (Question 6)	Subsection (b)(14), which covers all types of accommodations requests in the licensure process not just testing
Whether the applicant has ever taken the California Law and Ethics examination (Question 7)	Subsection (b)(13)
Whether the applicant has ever been issued a dental license in any State or Country. If so, request the state/country, license number and issue date and a "Certification of Licensure" for each state/country. (Question 8)	Subsection (b)(4)
Applicants must provide information about the applicant's dental education and any postgraduate study showing name and location of institutions attended, periods of attendance, and the type of degree or diploma granted and	Subsection (b)(15) but repealing from the form and requirements that an applicant disclose diplomat status since this is not a requirement to become licensed as a general dentist in the Act

Section of Current Form 331-22W (Rev. 11/06)	Corresponding CCR section 1028 subsection covering similar subject matter or rationale for repeal of the item as proposed by this rulemaking
dates the degree or diploma was granted Also asks about any diplomate status. (Items 9 and 10).	
Certification of Dean of Dental College Granting the Degree specifying the contents and format for the certification to be considered completed (Item 11)	Subsection (b)(16)(A) and (B)
Whether the applicant has any pending or ever had any disciplinary action taken against any dental license or other healing arts license held by the applicant including actions by the United States Military, United States Public Health Service, or other U.S. federal government entity and providing a definition of “disciplinary action” (Question 12)	Subsection (b)(18)
Whether there are any pending investigations by any State or federal agency against the applicant (Question 13)	Subsection (b)(19)
Whether the applicant denied a dental license, or denied permission to take a dental board examination (Question 14)	Subsection (b)(20)
Whether the applicant has ever surrendered a license, either voluntarily or otherwise (Question 15)	Subsection (b)(21)
Whether the applicant is in default on a United States Department of Health and Human Services education loan pursuant to Section 685 of the Code (Question 16)	Proposed to be repealed as unauthorized since BPC section 685 was repealed in 2018 (AB 508, Stats. 2017, ch. 195)
Whether the applicant has ever been convicted of any crime as specified (Question 17)	Proposed to be repealed as prohibited by BPC section 480(f)(2) (operative July 1, 2020 per AB 2138 (Stats. 2018, ch. 995))

Section of Current Form 331-22W (Rev. 11/06)	Corresponding CCR section 1028 subsection covering similar subject matter or rationale for repeal of the item as proposed by this rulemaking
Certification under penalty of perjury regarding answering truthfully, fully and completely and that the application is true and correct to the best of their knowledge and belief (Item 19)	Subsection (b)(24) and struck as inconsistent with (b)(24) and evidentiary declaration requirements at Code of Civil Procedure section 2015.5.
“Important Information” notice at the bottom of the application regarding reporting to the Board the results of any actions which have been filed or were pending against any dental license held at the filing of this application and possible denial per BPC section 480(c)	Proposed to be repealed as unnecessary and superseded by amendments to BPC 480 by AB 2138. BPC 480(c) was repealed, and a somewhat similar provision enacted at BPC 480(e) requiring “knowledge” of making the false statement in the application. However, the Board has found this type of advisement is not useful in encouraging more candid disclosure of relevant information.
Information Practices Act Notice of Collection of Personal Information (at the very end of the application)	A similar notice is proposed to be added as part of any application, whether online or paper, at (b)(23).

Adopt Section 1028 (a)(1)

Purpose: This proposal adopts a new subdivision (a)(1) and establishes a definition and requirements for how an applicant would “submit to the Board” an application, and if applicable, the initial application fee required by CCR section 1021. These proposed changes were made to implement the transition to the Board’s online, electronic applications and licensing system (“BreEZe”) for all licensing applications that include electronic submission of data, payment, filing, and signature requirements not included in the Board’s existing regulations. Under this proposal, all applications would also be accepted if submitted by mail or hand-delivery as specified.

This is consistent with many DCA boards and bureaus who are moving to this model to facilitate the ability of the applicants to use a variety of methods of submission. Regardless

of the submission method chosen by the applicant, the qualification requirements for licensure would be the same.

Applications would be required to be submitted according to the following requirements:

(1) For the purposes of this section “submitting to the Board” means to transmit an application and the application for law and ethics examination fee required by Section 1021 (“required fee”) by mail with postage prepaid addressed to the Board at the Board office at the address listed on the Board’s website, by hand delivery to the Board office, or electronically through a web link to the Department of Consumer Affairs’ online licensing system entitled “BreEZe” (“online services system”) located on the Board’s website in accordance with subparagraph (B) of paragraph (2).

Rationale: These proposed provisions are necessary to ensure clear notice to the applicants of the acceptable methods of submission of initial dentist licensure applications and the associated initial application fee specified in CCR section 1021 and where or how to file their applications and pay their fee. In addition to traditional methods of submission (paper applications submitted by mail or hand delivery to the Board’s offices), the Board now accepts electronic online submission through a web link to the Department of Consumer Affairs’ online licensing system located on the Board’s web site. These changes are therefore necessary to notify and inform applicants of this option and cross-referencing the specific steps needed to use that system in subparagraph (B) of paragraph (2) discussed in more detail below.

Electronic Submission Option -- BreEZe online services system

Existing requirements do not provide an option for submitting an application electronically. These regulations would formally implement such an option, while permitting other traditional methods of delivery to facilitate greater applicant choice for initial entry into the profession. The Board has worked with the Department of Consumer Affairs (DCA) to create an online services system to allow electronic filing of applications via the BreEZe weblink on the Board’s website.

As further explained below, the online system is necessary for the most efficient and secure method of collecting and transmitting this data electronically. The data is collected in an online format inside the BreEZe website platform and submitted data will only be viewable by the individual who submitted the data and Board employees who are accessing the submitted data on the Department of Consumer Affairs’ (DCA’s) secure network. The

measures DCA, which provides general IT services to the Board, takes to protect personal identifying information stored on its networks include:

- Data loss prevention software to detect sensitive data and confidential information and keep it from leaking outside DCA through email.
- Extended detection and response tools to block advanced malware, exploits, and ransomware attacks.
- Functional, security, accessibility, and performance testing of the software applications.

These requirements are necessary to ensure data integrity and security of information from applicants and effectively meet the needs of the Board and users.

Adopt Section 1028 (a)(2)(A)

Purpose: Adopt a new subsection (a)(2), subparagraph (A), to specify that applications submitted by mail or hand delivery include the application and required fee, if applicable, and that they shall be placed in a sealed envelope and addressed to the Board at the Board office at the address listed on the Board's website. The required fee shall be paid by cash, check, money order, or cashier's check payable to the Dental Board of California

Rationale: The Board commonly gets questions regarding the process for submitting applications. This explanation is necessary to help ensure that applicants fully understand the requirements for acceptable submission of applications by mail or hand delivery to the Board. These requirements are necessary to provide notice and specify the other acceptable methods for submitting initial dentist licensure applications and paying fees (if applicable as they may be exempt from paying the fee as further specified below). Since the Board does not currently have the ability to process credit card payments for paper applications, this regulation is necessary to avoid confusion about acceptable payment options and specify the only acceptable payment methods for those submitting a paper application, which include payment by cash, check, money order, or cashier's check payable to the Dental Board of California.

Adopt Section 1028 (a)(2)(B)

Purpose: This proposal adopts a new subsection (a)(2)(B) and establishes the requirement that applicants electronically file a specified completed application according to requirements set forth in this subsection. Applications submitted electronically would be required to be completed according to specified requirements, including:

1. The applicant shall first login to or register for a user account by typing in a username and password on the initial registration or public sign-in page to access the online services system.
2. After a user account has been created and the online services system accessed online, the applicant shall submit all of the information required by subsection (b) through the online services system.
3. Electronic signature. When a signature is required by the particular instructions of any filing to be made through the online services system, including any attestation under penalty of perjury, the applicant shall affix their electronic signature to the filing by typing their name in the appropriate field and submitting the filing via the Board's online services system. Submission of a filing in this manner shall constitute evidence of legal signature by any individual whose name is typed on the filing.
4. Except as otherwise specified in paragraph (8) of subsection (b), any documents required to be submitted as part of the application set forth in subsection (b) shall be submitted through the online services system as a .pdf of the document submitted as an attachment to the application.
5. The required fee shall be paid by credit card (Visa, Mastercard, or Discover) through the online services system and paid in full to the Dental Board of California. The applicant shall be required to pay any associated processing or convenience fees to the third-party vendor processing the payment on behalf of the Board and such fees will be itemized and disclosed to the applicant prior to initiating payment through the online services system.

Rationale: The proposed language adds several conditions at subparagraphs (i)-(v) that are necessary to establish the new electronic applications process for completing and electronically submitting an application, as follows.

Login or Register for a User Account (subparagraphs (i) and (ii))

The first condition is that specified information be submitted electronically through a web link to the Department of Consumer Affairs' online services system beginning with accessing the initial registration or sign-in page on the Board's website. This is necessary to inform applicants that the submission process begins by going to the Board's online

portal pages on the Board's website to start the registration process for BreZE. The next step in that process is that an applicant sets up an account with the Board via the DCA's BreZE platform and creates a username and password. As explained above, security of information is key to protecting the integrity of the application process when using an electronic transmission method. When setting up a secured account, it is standard to have the user create a username and password to make sure unauthorized persons cannot access the account. This allows the Board to hold the applicant responsible for any information submitted through the platform and liable for any consequences.

This section was added to provide clear guidance and instructions for applicants who wish to submit their applications electronically. By establishing a new subdivision and expanding on specific submission requirements, this proposal aims to simplify the registration process and ensure that all applicants can easily access and utilize the platform. The registration requirements included in this section will help to streamline the process and ensure that applicants provide a completed and accurate application to the Board for processing when submitting applications electronically.

Electronic Signature Requirement (subparagraph (iii))

To ensure authenticity and compliance with legal signature requirements, the Board requires an electronic signature for any filing made through the online services system. This includes attestation under penalty of perjury. To file, an applicant must affix their electronic signature by typing their name in the appropriate field and submit the filing via the Board's online services system. By doing so, the Board can verify that the individual has reviewed and approved the filing. Moreover, the electronic submission serves as evidence of a legal signature by any individual whose name is typed on the filing. This can be used to verify the authenticity of the filing in the event of any legal disputes or investigations. Further, this new electronic application submission process requires access to the online services system to submit the required information and the uploading of any electronic document required to be submitted per subsection (a)(2)(B)(iv) (with exceptions noted in that subparagraph), and therefore must rely on an electronic signature to authenticate the documents submitted.

Electronic signatures are authorized under California Government Code section 16.5. The proposed language sets out the process for the submission of an initial licensure application electronically and therefore, the typical certification that has been done traditionally using a "wet" signature is now being done through an electronic signature, using the signature of applicant, as specified. Under section 1633.9 of the Uniform Electronic Transaction Act (UETA --Civil Code sections 1633.1-1633.17), "An electronic

record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.” This standard is met here as the security procedures established in subparagraphs (i) and (ii) above, including the establishment of a user name and password, provides a security procedure to assure that only the identified individual could submit an application. As the submission of an application requires a legally valid signature, the new process of submitting an application via the Board’s online portal requires that this be met by the use of an electronic signature.

The purpose of this section is to inform applicants submitting their initial application of the signature requirement, to reaffirm that the signature is required by this filing, and then to explain that the requirement is met if the applicant types their name into the appropriate field and then submits the application via the online services system. The process outlined here for signing the document is also a widely used and recognized method for signing a document electronically and therefore would be easy for the applicant to understand and use.

For the certification under penalty of perjury, the Board relies upon applicants’ self-reported information in evaluating applications or other forms submitted for processing by the Board. This requirement helps ensure that the representations on the form (whether electronic or paper) are accurate, truthful and made in good faith. In addition, the certification under penalty of perjury helps ensure the reliability of the statements to the Board (since certifying under penalty of perjury can have a deterrent effect on those who may be considering not providing true, accurate or complete information), and provides the Board with the option of seeking sanctions and referring the matter to law enforcement in the event that such information is not true, complete or accurate. [“The oath or declaration must be in such form that criminal sanctions of perjury might apply where material facts so declared to be true, are in fact not true or are not known to be true.” *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [holding modified by *Laborde v. Aronson* (2001) 92 Cal.App.4th 459.] The statement that “submission of a filing in this manner shall constitute evidence of legal signature by any individual whose name is typed on the filing,” is needed to provide notice of the legal effect of signing the document electronically, in accordance with UETA and section 1633.7 of the Civil Code, which states that: “(a) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form,” and “(d) If a law requires a signature, an electronic signature satisfies the law...”

Required format for those documents submitted through the online services system and exceptions from that standard (subparagraph iv)

This proposal is necessary to specify the new application compliance requirements for submission of documents through the online services system as an attachment in a .pdf format. Scanning and electronically uploading the documents in a PDF format attached to the application through a web link to BreEZe on the Board’s website at a specific URL helps streamline the application process and makes it more efficient. This digital approach removes the need for physical copies and enables the Board to retain the information in a readily retrievable and accessible form. Finally, this PDF format is a common and widely available format that should be easy for applicants to use to meet the Board’s compliance requirements.

In addition, for those documents listed in subsection (b) that are sent to the Board outside of the online submission process, the proposal would include express submission exemptions included in CCR section 1028 for:

- Subsection (b)(3): furnishing two classifiable fingerprints through “Live Scan” or hard cards in accordance with new requirements in subsection (e) through the California Department of Justice;
- Subsection (b)(4): written certifications showing a record of previous dental practice sent directly from the licensing entity or jurisdiction to the Board; and,
- Subsection (b)(16): written certifications showing date the applicant graduated from a qualifying dental school sent directly from the school to the Board.

These are necessary to avoid fraud in the application process, user confusion and provide notice to applicants regarding those requirements that need to be met outside of BreEZe.

Only specified credit cards accepted (Visa, Mastercard, or Discover) for payment of the initial application fee and notice that the applicant will pay the convenience fee for using a credit card to pay the application fee (subparagraph v)

A Master Service Agreement (MSA) from the Department of General Services (DGS), State of California, is a comprehensive contract that establishes the terms and conditions governing the provision of services between the state and a service provider. MSAs are authorized by Government Code section 6162, which provides, in part, the following:

(a) Except as provided in Section 6159, the Director of General Services, or his or her designee, may negotiate and enter into any contracts necessary to implement or facilitate the acceptance of credit cards or other payment devices by state agencies. The authority granted to the director pursuant to this section shall include the discretion to negotiate and agree to specific terms applicable to each state agency, including, but not limited to, the terms regarding any payment of fees to third parties for the acceptance of credit cards or other payment devices, types of payments, any limitations on amounts and limits of liabilities that would be eligible for payment by credit card or other payment device, and operational requirements. . .

The Board is currently authorized to accept payments by credit card (Visa, Mastercard, or Discover) pursuant to an MSA executed and approved by the Director of DGS, which includes payments of convenience fees to third parties who process credit card payments from these credit card companies (see Underlying Data). While the Board believes such state procurement processes, including the associated convenience fee set by contract, are exempt from rulemaking under Government Code section 14615.1, the Board believes this proposal is necessary to provide notice to the applicants that the credit card convenience fee charged by the credit card companies would now be paid directly by the applicant whenever BreEZe is used to submit a credit card for payment of the application. This amount would be itemized separately from the application fee in accordance with the current contract (see Underlying Data -- convenience fees are listed as “separate charge from the transaction amount”); itemization also ensures that the applicant is informed and can make an informed decision about submitting their applications electronically, which includes the added convenience fee. This proposal is similar to a regulation adopted by the Department of Cannabis Control (formerly “Bureau of Cannabis Control” in DCA at 4 CCR § 15015).

Applicants choosing to use a paper option to submit their application would not pay a convenience fee but would be required to pay by cash, check, money order, or cashier’s check as specified, and as authorized by 31 U.S.C section 5103 and Government Code section 6157.

The Board has historically not passed along the cost for the convenience fee charged by credit card companies to the applicant using the Board’s online application process to pay the application fee. However, the Board has approved moving this cost to those who elect to use the online services system to help lessen rising costs for the Board’s Dentistry Fund, the fund from which all revenues are deposited, and costs are paid. This helps ensure that those who benefit from the service pay for it and helps avoid fee increases in the future for the general licensing population.

Amend Introductory Sentence in 1028 (b)

Purpose: This proposal would amend the existing introductory sentence to add the words “A completed” before “application” (striking the “s” in the word “applications” for grammatical reasons) and strike “to be accompanied by” and add the word “include”. The resulting sentence would read as follows: “A completed application for licensure shall include the following information and fees:”

Rationale: This is necessary to specify that a completed application is required as part of the application process and to more clearly specify the list of items needed to complete the application. The Board commonly gets questions regarding the process for applications. This explanation is necessary to help ensure that applicants fully understand what information and fees must be included in an application for licensure as a dentist for it to be considered “complete”. This helps reduce deficiencies in the application process.

Amend 1028 (b)(1)

Purpose: Existing regulation specifies that an application for licensure as a dentist must include the “application and examination(s) fees as set by Section 1021.” This proposal would add the words “non-refundable initial” before the word “application” and strike a reference to examination fees. In addition, the Board proposes to add the words “unless the applicant meets the requirements for a waiver of the fee specified in paragraph 8 (of this section, which refers to requirements in law and the documentary evidence required to waive this fee as required by BPC section 115.5) to give notice that the fee is waived for those qualifying as specified in paragraph 8.

Rationale: These changes are necessary to ensure adequate notice that the initial application fee is non-refundable and considered earned when submitted for processing to the Board. Further, the change to remove “examination” fees is necessary to avoid confusion since the examination fees are collected as provided in CCR section 1028.4 as part of the law and ethics examination process.

Further, BPC section 115.5 requires the Board to waive the licensure application fee for those meeting the following criteria:

- (1) Supplies evidence satisfactory to the board that 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.

(2) Holds a current license in another state, district, or territory of the United States in the profession or vocation for which the applicant seeks a license from the board

These changes are necessary to conform the Board's application requirements to law, specifically provide for this exemption in regulations, and inform applicants about the fee waiver permitted under BPC section 115.5, which is detailed in subsection (b)(8).

Amend 1028 (b)(3)

Purpose: The proposal would add a requirement that an applicant furnish fingerprints or submit a Live Scan inquiry to permit the Board to conduct a criminal history record check and pay any costs for such fingerprinting "in accordance with subsection (e)" or "as set forth in subsection (e).

Rationale: This proposal is necessary to specify that new fingerprinting requirements are part of the application and must be completed as further specified in subsection (e). Proposed subsection (e) of this section outlines the process for applicants to obtain fingerprints for the Board to conduct a criminal background check through the California Department of Justice's electronic fingerprint submission Live Scan service ("Live Scan") or for applicants residing outside of California to have fingerprints taken at a law enforcement agency in their state of residence using fingerprint cards. The proposed amendments in Subsection (b)(3) add language referencing proposed subsection (e) to provide notice to applicants and avoid confusion about how to submit acceptable fingerprints in accordance with the requirements for licensure outlined in this section.

Amend 1028 (b)(4)

Purpose: Existing regulation in CCR 1028(b)(4) provides that an applicant must, where applicable, provide a record of any previous dental practice and certification of license status in each state or jurisdiction in which licensure as a dentist has been attained. The current form incorporated by reference noted above for WREB applicants (Form 33A-22W (Revised 11/06)) further provides that, if applicable, the applicant must provide a Certification of License from the applicant's licensing entity (state or country) and the applicant must disclose the state or country of issuance, license number and issue date on the form. However, as noted above, the Board proposes to repeal those requirements on the form and place those additional details in this section in the narrative list required information in this section to consolidate all specifications for this requirement in one location. In addition, the Board would provide specific instructions on how these certifications need to be sent to the Board (by mail to the

attention of the Board's Licensing and Examination Unit at the Board's office, or electronically scanned and emailed to the Board directly by the licensing entity or jurisdiction to DentalBoard@dca.ca.gov).

Rationale: The proposed changes provide notice about what information is required from applicants about their past dental practice (if applicable) and the contents of the required certification and from what sources this information would be accepted. This additional information is necessary to help ensure accurate identification of the individual applying for licensure as a dentist with the Board, and for verification of any responses by the applicant to any questions listed in this section relating to licensure by another jurisdiction, and to help ensure effective investigation of the applicant's background issues that arise to determine if any grounds for denial may exist. Providing specific directions about acceptable methods of submission helps more effective receipt of this information, resulting in less application deficiencies.

Amend 1028(b)(5)

Purpose: The Board proposes to re-organize this section into subparagraphs (A)-(H) for greater readability and organization. The proposed changes to this subsection make clarifying changes to the contact and identifying information requested from applicants to require greater specificity from applicants to increase communication and identification of applicants during the application process. The subsection adds specific details to existing requirements for an applicant's name to add their "full" name (Last, First, and Middle and/or Suffix), birthdate (month, day, and year) and "physical" address (revises address of residency to physical address, which allows for disclosure of business or residential addresses); and adds new requirements for any other names the applicant has used or has been known by, as well as the applicant's email address (if any), mailing address (if distinct from their physical address/address of residency), and Taxpayer Identification Number (in lieu of a Social Security Number). The request for "gender" is removed as obsolete and unnecessary as the Board no longer administers an examination where this information might be useful in identifying an applicant.

Rationale: These proposed additional details and information provide specificity to applicants about what information is required, provide additional details for Board staff to confirm the identity of an applicant and provide additional, and more reliable, means of contacting an applicant during the application process. This information will also help the Board communicate with applicants more effectively and accurately track all information related to the licensing application through this identifying information. In addition, the Board collects the SSN and ITIN as required by BPC sections 30 (implementing section 17520 of the Family Code).

Finally, the Board is required pursuant to the provisions of BPC section 27 to allow applicants to provide an alternate mailing address in lieu of a physical business or residential address. A physical address is necessary to ensure that the Board may serve any applicant with legal process, whenever necessary as part of any background investigation.

Adopt 1028(b)(6)

Purpose and Rationale: This proposal would add the question whether the applicant is serving in, or has previously served in, the United States military as required by BPC section 114.5.

Adopt 1028(b)(7)

Purpose: This proposal asks the applicant whether the applicant is requesting the expediting of their application for members of the U.S. Armed Forces who have been honorably discharged. If the answer is “yes,” the applicant shall provide the following documentation with the application to receive expedited review: a copy of a certificate of release from active duty (DD-214, which is the Department of Defense’s standard report of separation for members of the U.S. Armed Forces that includes the necessary information for the Board to process such requests) or other documentary evidence showing the date and type of discharge to receive expedited review.

Rationale: This question is necessary to determine whether an applicant is applying for expedited review and processing per BPC section 115.4. To date, the Board has not received any other type of evidence in lieu of the DD-214 but includes this possibility should it be submitted in the future to help ensure that applicants have other options for demonstrating they qualify. This information is necessary to determine whether the applicant has provided satisfactory evidence that meets the requirements for expedited processing per BPC section 115.4.

Adopt 1028(b)(8)

Purpose: The proposal asks the applicant whether they already hold a current license or comparable authority to practice dentistry in another U.S. state, district or territory (all part of the definition for “State” in BPC section 21), and whether their spouse or domestic partner is an active-duty member of the U.S. Armed Forces and is assigned to a duty station in California under official active-duty orders. If the applicant answers yes, the proposal provides that their application will receive an expedited review and initial fee waiver, per BPC section 115.5, if specified documentation is provided. The specified documentation to support the request

includes: (1) a certificate of marriage or certified declaration/registration of domestic partnership filed with the Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces; (2) a copy of the applicant's current license to practice dentistry in another state, district, or territory of the United States; and, (3) a copy of the military orders establishing their spouse or partner's duty station in California.

Rationale: The question is necessary to determine whether an applicant meets the requirements for expedited review and processing under BPC section 115.5. These documents are necessary to verify and ensure the applicant meets the statutory requirements for expediting the licensure process by requesting official government documents, licenses and military records to substantiate the information provided to the Board. To date, the Board has not received any other type of evidence in lieu of a certificate of marriage or certified declaration/registration of domestic partnership but includes this possibility of "other documentary evidence" should it be submitted in the future to help ensure that applicants have other options for demonstrating they qualify.

Adopt 1028(b)(9) and (b)(10)

Purpose: This proposal asks the applicant in subsection (b)(9) whether the applicant is seeking expedited processing of their application based on immigration status pursuant to Section 135.4 of the Code. If the answer is "yes", in order to receive expedited review of an application, the applicant shall indicate whether any of the following statements apply to the applicant: (1) the applicant was admitted to the United States as a refugee pursuant to section 1157 of Title 8 of the United States Code; or (2) the applicant was granted asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to section 1158 of Title 8 of the United States Code; or, (3) the applicant has a special immigrant visa and was granted a status pursuant to section 1244 of the Public Law 110-181, Public Law 109-163, or section 602(b) of Title VI of division F of Public Law 111-8 [relating to Iraqi and Afghan translators/interpreters of those who worked for or on behalf of the United States government].

Additionally, if the applicant answers "yes," in subsection (b)(10), the Board requests they provide official documents commonly issued by federal agencies or the courts for the categories of individuals listed in section 135.4 as evidence of their status as a refugee, asylee, or special immigrant visa holder which includes:

- Form I-94, arrival/departure record, with an admission class code such as "re" (refugee) or "ay" (asylee) or other information designating the person a refugee or asylee.
- Special immigrant visa that includes the "si" or "sq."

- A permanent resident card (Form I-551), commonly known as a “green card,” with a category designation indicating that the person was admitted as a refugee or asylee.
- An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Board that the applicant qualifies for expedited licensure per BPC section 135.4.

Rationale: These questions are necessary to determine whether the applicant is seeking expedited processing of their application and qualifies for expediting of the initial application for refugees, asylees, and holders of special immigrant visas as required by BPC section 135.4(a)’s criteria for expediting these types of applications. Only applicants seeking expedited processing under BPC section 135.4 will be required to disclose their status and provide documentation in accordance with this subsection. For those seeking expedited processing under these circumstances, the documents required by this subsection are necessary to verify and ensure the applicant meets the statutory requirements for expediting the initial application process. Copies of these official government documents will help ensure the accuracy of the information provided by the applicants to the Board.

Adopt 1028(b)(11)

Purpose: This proposal would ask the applicant whether they are an active-duty member of a regular component of the United States Armed Forces and enrolled in the United States Department of Defense’s SkillBridge program as authorized under Section 1143(e) of Title 10 of the United States Code and is requesting expedited processing of their application pursuant to subdivision (b) of Section 115.4 of the Code. If the answer is “yes”, the applicant shall provide with their application a copy of an official approval document or letter from their respective United States Armed Forces Service branch (Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard), signed by the applicant’s first field grade commanding officer that specifies the applicant’s name, the approved SkillBridge opportunity, and the specified duration of participation (i.e., start and end dates).

Rationale: This proposal is necessary to determine whether an applicant qualifies for expediting their application as required by BPC section 115.4(b) and to specify documentation to ensure verification of such status with the Department of Defense. A representative from the Department of Consumer Affairs consulted with representatives from the Department of Defense (DOD) in the development of these criteria and these revisions were made consistent with the Board’s understanding of those common requirements for showing approval of such enrollees in the DOD SkillBridge partner application process across all branches of the US Armed Forces (Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard). This

adoption is necessary to implement and give adequate notice of these qualifying requirements to obtain expedited review per BPC section 115.4(b).

Adopt 1028(b)(12)

Purpose: The proposal asks the applicant whether they are currently registered with the federal Drug Enforcement Administration (DEA) to prescribe or dispense controlled substances. If the applicant answers “yes,” the applicant shall provide their DEA registration number.

Rationale: BPC section 1629 provides, in part:

“(c) Each applicant for licensure to practice dentistry shall furnish . . . verification of registration status with the federal Drug Enforcement Administration within the United States Department of Justice. The board shall review this information to determine if it presents sufficient evidence of a violation of Article 4 (commencing with Section 1670) to warrant the submission of additional information from the applicant or the denial of the application for licensure.”

This information is therefore necessary to comply with the legislative mandate to collect and analyze information relating to an applicant’s registration status with the federal Drug Enforcement Administration (DEA). A DEA Registration Number is a unique identifier provided by the DEA to prescribers including dentists, allowing them to prescribe, dispense and administer drugs defined to be controlled substances. Since such a federal registration is needed to practice lawfully in California, it is required to be disclosed as part of the qualifications for licensure. Further, this allows staff to properly identify and verify that the applicant has met this requirement for practice.

Repeal Existing 1028(b)(8)

Purpose: This proposal would repeal the current requirement for a 2 inch by 2 inch passport-style photo to be submitted with either the current “Application for Licensure to Practice Dentistry (WREB)”, Form 33A-22W (Revised 11/06) (proposed to be repealed in this rulemaking) or the “Application for Determination of Licensure Eligibility (Portfolio),” Form 33A-22P (New 11/2014).

Rationale: This provision is being repealed as obsolete since the Portfolio pathway to licensure in prior BPC section 1632(c)(2) was repealed by SB 1453 effective January 1, 2025 as discussed above.

Amend 1028(b)(9) (proposed to be renumbered to (b)(15))

Purpose: This proposal would add additional specifying criteria regarding the information required to be submitted for an applicant's dental education: "This information shall include the name(s) and location(s) of institution(s) attended, periods of attendance (showing dates listed by month and year), the type of degree or diploma granted, and the date such degree or diploma was granted." Existing Form 33A-22W currently has this information, which is proposed to be moved to the text of the CCR at this subsection.

Rationale: As discussed in the rationale above in subsection (a), this proposal is necessary to move these provisions currently listed on the paper form to a narrative format in this related subsection. These requirements ensure that the Board obtains information from the applicant regarding their dental education and postgraduate study, if applicable, and ensures that the Board has all the information it needs to verify the education meets the requirements in BPC sections 1628 and 1632.

Amend 1028(b)(10) (proposed to be renumbered to (b)(16))

Purpose: This proposal would add additional specifying criteria regarding the acceptable certification from the dean of the applicant's qualifying dental school to certify the date the applicant graduated. Existing Form 33A-22W currently has this information, which is proposed to be moved to the text of the CCR at this subsection. In addition, this proposal would add specifics regarding how to submit these verifications to the Board. That process would include submission of the verification by the applicant or dental school by mail to the attention of the Board's Licensing and Examination Unit at the Board's office, or electronically scanned and emailed to the Board directly by the dental school to DentalBoard@dca.ca.gov. Certifications sent by mail to the Board must contain an original signature and original seal of the dental school on the document itself; copies will not be accepted.

Rationale: As discussed in the rationale above in subsection (a), this proposal is necessary to move these provisions currently listed on the paper form to a narrative format in this related subsection. These requirements ensure that the Board obtains verification of the applicant's response to (b)(9) directly from the dental school to ensure accuracy and prevent fraud in the application process. A declaration (certification), signed and dated by stating that they certify the information provided is true and correct helps the Board verify the authenticity of the applicant's representation that they have met the requirements for graduating (or expected date for graduating) from an approved dental school as required by BPC sections 1628 and 1632. Further, in the Board's experience and consistent with similar requirements in the

current Form 33A-22W, the following requirements are reliable indicators of graduation and allows the Board sufficient information to confirm and investigate the applicant's representations in response to (b)(9):

1. The name of the dental school,
2. The date the applicant first enrolled in the school's educational program,
3. The applicant's years of attendance,
4. The date the applicant completed the clinical and didactic requirements of the educational program and graduated,
5. The type of degree granted to the applicant by the dental school,
6. A statement, signed and dated by the dean of the dental school, stating that they hereby certify that the information provided in this certification is true and correct; and,
7. The seal of the dental school.

Further requiring original signatures and prohibiting copies of these verifications helps the Board obtain the best evidence to confirm authenticity and avoid fraud in the application process. Providing specific directions about acceptable methods of submission helps ensure more effective receipt of this information, resulting in less application deficiencies and fewer delays for the applicants.

Repeal 1028(b)(11)

Purpose: To repeal a question that requests information regarding whether the applicant has any pending charges or had in the past any charges filed against a dental license or other healing arts license.

Rationale: This provision is being repealed as redundant, considering what is required from the applicant in current subsections (b)(18) and (b)(19).

Adopt 1028(b)(17)

Purpose: To adopt a requirement that specifies that a completed application would include: "A written statement, signed and dated by the applicant, that states the applicant authorizes the release to the Board of any information about the applicant from the National Practitioner Data Bank and verification of registration status with the DEA" (already defined in (b)(12) of this proposal as the federal Drug Enforcement Administration).

Rationale: BPC section 1629(c) provides, in part:

Each applicant for licensure to practice dentistry shall furnish a signed release allowing disclosure of information from the National Practitioner Data Bank and verification of registration status with the federal Drug Enforcement Administration within the United States Department of Justice.

This requirement is necessary to implement the above-noted statutory mandates and help provide notice to applicants of these requirements. The NPDB is a web-based repository of reports established by Congress containing information on medical malpractice payments and certain adverse disciplinary actions related to health care practitioners (including dentists) that have been reported by agencies across the country. Information from the DEA helps confirm an applicant's status with that agency (as discussed above), which is a requirement for the practice of dentistry in California. Signed releases help eliminate any potential barriers to accessing this information. Signed and dated releases help to ensure that these federal authorities understand that these inquiries are currently directed by the applicant (aka as "self-query" reports, which is an authorized method for obtaining a search report from the NPDB) and that any possible privacy issues are waived by the applicant so that the Board can get faster responses from these authorities and can conduct a more efficient review of applicant eligibility.

Amend 1028(b)(18)

Purpose: To amend this existing subsection related to disclosure of prior disciplinary actions as follows: Excluding actions based upon the applicant's criminal conviction history, information regarding any prior disciplinary action(s) taken against the applicant within the preceding seven years from the date of the application regarding any dental license or other healing arts license held by the applicant including actions by the United States Military, United States Public Health Service, DEA, or other federal or state government entity ("licensing jurisdiction"). "Disciplinary action" includes, but is not limited to, suspension, revocation, probation, confidential discipline, consent order, letter of reprimand or warning, or any other restriction or action taken against a dental license. If an applicant answers "yes", he or she the applicant shall provide the date of a written statement that includes the name of the licensing jurisdiction, the effective date of disciplinary action, the state, district, or territory where the discipline occurred, the date(s) when the conduct occurred, the charges convicted or proven, the disposition of the action, and any other information requested by the Board.

Rationale: Amendments adding an exclusion based on the applicant's criminal conviction history and limiting the timeframe for disclosures of prior discipline to seven years from the date of application are necessary for the Board to comply with BPC section 480 (as amended

by Assembly Bill (AB) 2138 Stats. 2018, ch. 995). BPC section 480(f)(2) provides that: “(2) Except as provided in paragraph (1), a board shall not require an applicant for licensure to disclose any information or documentation regarding the applicant’s criminal history.” BPC section 480 (a)(2) also limits the Board’s ability to request past disciplinary history to “the preceding seven years from the date of application based on professional misconduct that would have been cause for discipline before the board for which the present application is made...” As a result, the Board has revised its discipline question to ensure that only relevant and necessary disclosures that may be used by the Board to deny an application are collected. The letter “I” in the existing word “Information” was lower cased to account for the addition of this introductory phrase.

Additional amendments are proposed to this subsection for the following reasons:

*Add “DEA” to the list of agencies for which an applicant would need to report formal discipline to provide further notice to applicants regarding disclosure of prior disciplinary actions. As noted in the rationale, DEA registration is a requirement for licensure and prior actions by that agency would allow the Board to determine whether grounds for denial of the application exist per BPC section 480.

*Add “or state” before “government” to further provide notice and specify the type of government entity for which actions are required to be reported. BPC section 480(a)(2) permits the Board to deny an application if the applicant has been subjected to “formal discipline by a licensing board in or outside California.” The Board has interpreted this provision to include state or federal entities for which the Board would be able to obtain or confirm the applicant’s licensing history within the U.S. This amendment is therefore necessary to ensure that applicants understand the scope of the disclosure required to prevent errors and omissions in the application process.

*Create a short-form reference to “licensing jurisdiction” for greater notice, ease of use and comprehension for applicants in responding to this question.

*Remove gender-specific pronouns “he or she” and replace with “the applicant” based on Assembly Concurrent Resolution No. 260 of 2018 (ACR 260). ACR 260 resolved that “state agencies should ... use gender-neutral pronouns and avoid the use of gendered pronouns when drafting policies, regulations, and other guidance.” This proposal would replace gendered pronouns with gender neutral nouns consistent with this State policy objective.

*Remove “the date of” from before the words “the effective date of disciplinary action” as duplicative and unnecessary since the question already requests disclosure of “the effective date.”

*Add “statement that includes the name of the licensing jurisdiction,” to provide more complete information to the Board regarding the applicable licensing jurisdiction. Providing this further identifying information helps ensure the Board can more effectively investigate any disclosures of prior disciplinary actions provided by the applicant.

*Add “district, or territory” to more clearly specify that “state” includes a district or territory of the United States. This interpretation is also necessary to formalize this in regulations consistent with BPC section 21, which defines “State” in the Business and Professions Code to include the District of Columbia and the territories of the United States.

*Add “when the conduct occurred” after the words “the dates” to more accurately specify what information is requested. This is necessary to give greater notice to applicants and resolve ambiguity regarding which dates are needed to be disclosed. Clarifying the types of dates needed will help avoid errors and omissions in the application process, since when evaluating whether to grant or deny an application, the Board is primarily concerned with how recent the misconduct occurred.

*Strike “convicted of” and add “the” and “proven” so that the language would read “charges proven.” These changes are necessary to update the scope of this question to avoid inadvertent disclosures of criminal history in violation of BPC section 480(f)(2), as discussed previously. The question was revised to only request information about “charges proven,” and not “charges convicted of.” This is consistent Government Code section 11503 which specifies that a civil accusation which California state agencies file to begin formal discipline is defined, in part, as “a written statement of charges that shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged....”

*Add the words “the” and “of the action” before and after “disposition” to avoid ambiguity and more clearly specify what is being requested by the Board when formal discipline is disclosed by applicants. In evaluating whether formal discipline is grounds for denial of an application per BPC section 480(a)(2), the Board is most concerned the final outcome of the disciplinary action, as the type and degree of discipline will help determine whether grounds for denial exist.

*Grammatical change to “board” to strike the lower case “b” and capitalize “B” for “Board.” This corrects an error and ensures consistent use of the Board’s abbreviated name throughout the Board’s regulations consistent with CCR section 1000(c).

Amend 1028(b)(19)

Purpose: In addition to grammatical changes, this proposal would add exclusions for disclosures of investigations related to an applicant’s criminal conviction history, and add language that limits disclosures for current or pending investigations to information “if known to the applicant, including the date the pending investigation was initiated, the name of the licensing entity or jurisdiction, and a description of the allegations that are still pending at the time of application.”

Rationale: As noted in the rationale for subsection (b)(18), these changes are necessary to update the scope of this question to avoid inadvertent disclosures of criminal history in violation of BPC section 480(f)(2) and to collect only relevant and necessary disclosures that may be used by the Board to deny an application. The letter “I” in the existing word “Information” was lower cased to account for the addition of this introductory phrase.

Additional amendments are proposed to this subsection for the following reasons:

*Remove gender-specific pronouns “he or she” and replace with “the applicant” based on Assembly Concurrent Resolution No. 260 of 2018 (ACR 260). ACR 260 resolved that “state agencies should ... use gender-neutral pronouns and avoid the use of gendered pronouns when drafting policies, regulations, and other guidance.” This proposal would replace gendered pronouns with gender neutral nouns consistent with this State policy objective.

*Grammatical change to “board” to strike the lower case “b” and capitalize “B” for “Board.” This corrects an error and ensures consistent use of the Board’s abbreviated name throughout the Board’s regulations consistent with CCR section 1000(c).

*Add a qualifying phrase to the end of the existing current or pending investigation disclosure question as follows: “if known to the applicant, including the date the pending investigation was initiated, the name of the licensing entity or jurisdiction, and a description of the allegations that are still pending at the time of application.” Since applicants may not be aware of a pending or current investigation as they often can be conducted confidentially, the Board proposes to amend this question to narrow the scope of disclosure to only cases where the applicant knows or the fact of an investigation to the applicant through public disclosures made by the investigating agency or from other sources. In such cases, to adequately investigate whether

there are grounds for denial per BPC section 1628.7, the Board requests the date the pending investigation was initiated, the name of the licensing entity or jurisdiction, and a description of the allegations that are still pending at the time of application.

Amend 1028(b)(20)

Purpose: In addition to grammatical changes, this proposal would add exclusions for disclosures of denials related to an applicant's criminal conviction history, and add language that requires disclosure of a denied DEA registration.

Rationale: As noted in the rationale for subsection (b)(18), these changes are necessary to update the scope of this question to avoid inadvertent disclosures of criminal history in violation of BPC section 480(f)(2) and to collect only relevant and necessary disclosures that may be used by the Board to deny an application. The letter "I" in the existing word "Information" was lower cased to account for the addition of this introductory phrase.

Additional amendments are proposed to this subsection for the following reasons:

*Remove gender-specific pronouns "he or she" and replace with "the applicant" based on Assembly Concurrent Resolution No. 260 of 2018 (ACR 260). ACR 260 resolved that "state agencies should ... use gender-neutral pronouns and avoid the use of gendered pronouns when drafting policies, regulations, and other guidance." This proposal would replace gendered pronouns with gender neutral nouns consistent with this State policy objective.

*Grammatical change to "board" to strike the lower case "b" and capitalize "B" for "Board." This corrects an error and ensures consistent use of the Board's abbreviated name throughout the Board's regulations consistent with CCR section 1000(c).

*Add "or DEA registration" to the list of agencies for which an applicant would need to report denials on this application to provide further notice to applicants regarding disclosure of prior denial actions. As noted in the rationales above, DEA registration is a requirement for licensure at BPC section 1629 and prior denial actions by that agency would allow the Board to determine whether grounds for denial of the application exist per BPC section 1628.7.

Amend 1028(b)(21)

Purpose: In addition to grammatical changes, this proposal would add exclusions for disclosure of surrenders related to an applicant's criminal conviction history.

Rationale: As noted in the rationale for subsection (b)(18), these changes are necessary to update the scope of this question to avoid inadvertent disclosures of criminal history in violation of BPC section 480(f)(2) and to collect only relevant and necessary disclosures that may be used by the Board to deny an application. The letter “I” in the existing word “Information” was lower cased to account for the addition of this introductory phrase.

This proposal would make a grammatical change to the term “board” to strike the lower case “b” and capitalize “B” for “Board.” This corrects an error and ensures consistent use of the Board’s abbreviated name throughout the Board’s regulations consistent with CCR section 1000(c).

Repeal 1028(b)(16)

Purpose: Strike references to an obsolete requirement to disclose whether the applicant is in default on a United States Department of Health and Human services education loan pursuant to Section 685 of the Code.

Rationale: BPC section 685 required this reporting requirement and was repealed effective January 1, 2018 by AB 508 (Stats. 2017, ch. 195). As a result, this question is no longer necessary.

Add 1028(b)(22)

Purpose: Adds a new requirement that an applicant provide a written statement, signed and dated by the applicant, that they have read the following notice:

“Effective January 1, 2008, certain nondentists may, upon your death or incapacity, contract with another licensed dentist or dentists to continue your dental practice for a period not exceeding 12 months if certain conditions are met. Sections 1625.3 and 1625.4 of the Business and Professions Code permit the legal guardian or conservator or authorized representative of an incapacitated dentist, the executor or administrator of the estate of a deceased dentist, or the named trustee or successor trustee of a trust or subtrust who meets certain requirements, to contract with a licensed dentist or dentists to continue the incapacitated or deceased dentist’s dental practice for a period not to exceed 12 months from the date of death or incapacity if the practice meets specified criteria and if certain other conditions are met, including providing a specific notification to the Dental Board of California. You and your estate

planner should become familiar with these requirements and the notification process. Please contact the Dental Board of California for additional information.”

Rationale: BPC section 1625.5 mandates that this Board provide the foregoing written notification with, or as part of, all application forms required for a license to practice dentistry. This subparagraph is therefore necessary to comply with the statute and to demonstrate that the notice was provided to the applicant. Adding an acknowledgement requirement serves to document that the applicant received the notice and read it, which helps achieve this public policy objective of providing greater notice to applicants of the laws regarding winding down a dental practice after the death or incapacity of a dentist.

Add 1028(b)(23)

Purpose: Civil Code section 1798.17 requires each state agency to provide on or with any form used to collect personal information from individuals the notice specified in that section. Beginning with the header “Information Collection and Access”, the proposal would include the required notices and disclosures to the applicant for the Board’s collection of personal information in compliance with Civil Code section 1798.17 whenever any optional paper application (convenience form) is provided by the Board or if an electronic application is submitted through the Board’s online services system (BreEZe). To ensure that the applicant receives effective notice of the Board’s personal information collection practices, the proposal includes a requirement that the applicant submit a written statement, signed and dated by the applicant, that they have read the notice as specified. It would further require that the notice be submitted to the applicant to review prior to requiring any submission of the signed statement of acknowledgement that they have read the notice to ensure that applicants receive advance notice and can make an informed decision about proceeding with the application process prior to signing the statement.

Rationale: Individuals electing to use a paper submission method often request paper “convenience forms” to file applications while most other applicants request information on how to use the Board’s online services system, which the Board considers an “electronic application form.” As a result, the Board has prepared notices of the Board’s personal information collection practices in compliance with Civil Code section 1798.17 as well as other disclosures mandated by BPC sections 31 and 494.5. The Notice contains the following disclosures:

All items in this application are mandatory.

Failure to provide any of the requested information to the Dental Board of California (Board) will delay the processing of your application and will result in the application being rejected as incomplete.

The information provided will be used to determine your eligibility for licensure per California Business and Professions Code (BPC) sections 1628, 1628.5, 1629, and 1632, and California Code of Regulations, title 16, section 1028, which authorizes the collection of this information.

This statement is necessary to provide notice to the applicant that all items requested on the application must be submitted to the Dental Board of California (aka “Board” for ease of reference) or processing will be delayed, and the application will be rejected as incomplete. The notice instructs the applicant that the information requested is mandatory. This helps to ensure the applicant completes the application, resulting in fewer processing delays. This information is also required to be provided to affected individuals in accordance with Civil Code section 1798.17, subdivisions (a), (c), (d), and (e), which require the Board to include with these forms notice of the following: the name of the agency requesting the information, the authority (statute or regulation) which authorizes maintenance of the information, whether submission of the information is mandatory, and the consequences of not providing the information.

In addition, the Notice contains information regarding when information may be transferred to other governmental for law enforcement agencies, the requirements for disclosure and uses of their Social Security number and the authorizing state and federal laws, the right of an applicant to review their application and their files and related limitations on that access by law, disclosure of instances where information on the application may be disclosed to a member of the public (excluding SSN or ITIN exempted per BPC section 30 and including addresses of record per BPC section 27), and information regarding the Board official responsible for maintaining the information (Executive Officer) and related contact information.

These statements are necessary to notify the applicant that the information they provide may be provided to other governmental agencies and the circumstances under which disclosures may be made. These statements are also necessary to comply with the Section 1798.17 of the Civil Code which requires the Board to notify the applicant of the uses of their personal information, as well as provide other disclosures in accordance with Civil Code section 1798.17, subdivisions (b), (f), (g) and (h).

Finally, the Notice contains required disclosures mandated by law, as follows:

The Board is required to notify you that under BPC sections 31 and 494.5, the State California Department of Tax and Fee Administration (CDTFA) and the Franchise Tax Board (FTB) may share taxpayer information with this Board. You are required to pay your state tax obligation. This application may be denied, or your license may be suspended if you have a state tax obligation, the state tax obligation is not paid, and your name appears on the CDTFA or FTB certified list of 500 largest tax delinquencies.

This statement is necessary to provide notice to an applicant that the application may be denied or their license suspended if the applicant fails to pay state tax obligations. This notice is required by BPC section 31 and is necessary to give proper notice to the applicants of the possible consequences for failure to pay their state tax obligations as set forth in BPC sections 31 and 494.5.

Amend 1028(b)(17)(renumbered to (24))

Purpose: Amend the existing certification under penalty of perjury to add the following: “under the laws of the State of California,” “signed and dated”, “provided by the applicant,” and “or with.”

Rationale: These amendments are necessary to correct errors in the certification in compliance with Code of Civil Procedure section 2015.5, which requires the certification to include “under the laws of the State of California” (when intended for use anywhere in or outside of California) and “signed and dated” by the declarant. The Board adds the words “provided by the applicant” to resolve any potential ambiguities as to who is providing the certification and “or with” to ensure that all elements of the application are certified by the applicant as to the truthfulness and correctness. The Board relies upon applicants’ self-reported information in evaluating applications. This requirement helps ensure that the representations on the form are accurate, truthful and made in good faith. These amendments also help ensure that the Board can prosecute any potential perjury cases using legally admissible certifications.

Amend 1028(c)

Purpose: These amendments would strike reference to compliance with subsection (a) of this section, delete references to the paper WREB application entitled “Application for Licensure to Practice Dentistry” (WREB) Form 33A-22W (Revised 11/06), add “who seeks to qualify” to references to the WREB exam pathway, delete the “on or after January 1, 2005” reference as obsolete, and add qualifying criteria for the WREB pathway, which must be taken by law “within five years prior to the date of the application.”

This proposal would also add specific requirements for furnishing evidence of passing the CDCA-WREB-CITA's (current name for the "Western Regional Examining Board" - WREB) with short form reference to "test administrator" for easier review) "WREB" examination within five years prior to the date of their application. This would include requirements for authorizing release to the Board of the applicant's cumulative score report, specifying the contents of the cumulative score report, and the requirements for an applicant to sign any release, waiver or consent forms required by the test administrator to authorize the release and submission of their cumulative score report to the Board electronically. It would further specify that receipt by the Board of the cumulative score report meeting the requirements of this section shall be deemed in compliance with the examination requirements of BPC section 1632(c)(1).

Rationale: Removal of the reference to subsection (a) is removed as unnecessary as the list of all required application items are now located in subsection (b) and subsection (a) is being revised to provide: "An applicant for licensure as a dentist qualifying pursuant to Section 1632(c)(1) or (2) of the Code shall submit to the Board a completed application as specified in subsection (b) and meet the other applicable requirements of this section." As discussed in the rationale for proposed amendments to subsection (a), this proposal would strike this licensing application form, which is currently incorporated by reference, and replace it with a narrative list of requirements in subsection (b) for all applicants, regardless of the pathway chosen to qualify for licensure. Consistent with that repeal, this section would be amended to remove the reference to Form 33A-22W (Revised 11/06).

Since applicants may qualify through passage of either the WREB or ADEX examinations as specified in BPC section 1632(c), the Board proposes to provide clearer notice regarding this section's applicability by adding the words "who seeks to qualify" before the words "upon passage of Western Regional Examining Board ("WREB") examination..." The WREB examination is no longer offered as of December 31, 2022 (as it was replaced by the ADEX examination discussed below). As a result, the originally adopted implementation date for the Board's approval of the use of the WREB examination "on or after January 1, 2005" is no longer needed to qualify applicants and is therefore proposed to be repealed.

In addition, BPC section 1632(c)(1) requires each applicant qualifying through passage of the WREB to have taken and received a passing score on a clinical and written examination administered by the Western Regional Examining Board **within five years prior to the date of their application for a license** under this section. (Emphasis added.) These amendments to add "within five years prior to the date of their application" are therefore necessary to provide notice of the applicants of this qualifying criterion and conform the Board's regulations to the statutory requirements in BPC section 1632(c)(1).

Finally, BPC section 1632(c)(1) requires the Board to require each applicant to have taken and received a passing score on a clinical and written examination administered by WREB within five years prior to the date of their application for a license under this section. Existing regulations do not specify the process, procedures or satisfactory evidence of passing the WREB exam that would be deemed compliant with Section 1632(c)(1)'s requirements. This proposal is necessary to specify those requirements in regulation consistent with the CDCA-WREB-CITA's requirements for state dental boards, which includes: (1) authorize the CDCA-WREB-CITA to provide the Board electronically the applicant's cumulative score report showing the applicant's name, test date, the examination taken, and that the applicant passed all portions of the WREB examination; and, (2) that the applicant shall sign any release, waiver, or consent forms required by CDCA-WREB-CITA to authorize the release and submission of their cumulative score report to the Board electronically.

Finally, since there is no specific criteria that explains how the Board would determine whether an applicant passed the WREB exam and to avoid confusion for applicants, the Board proposes to add that receipt by the Board of the cumulative score report meeting the requirements of this section shall be deemed in compliance with the examination requirements of BPC section 1632(c)(1).

Add 1028(d)

Purpose: Add specific requirements for furnishing evidence of passing the American Board of Dental Examiners, Inc.'s (CDCA-WREB-CITA) "ADEX" examination within five years prior to the date of their application. This would include requirements for authorizing release to the Board of the applicant's cumulative score report, specifying the contents of the cumulative score report, and the requirements for an applicant to sign any release, waiver or consent forms required by the test administrator (CDCA-WREB-CITA) to authorize the release and submission of their cumulative score report to the Board electronically. It would further specify that receipt by the Board of the cumulative score report meeting the requirements of this section shall be deemed in compliance with the examination requirements of BPC section 1632(c)(2).

Rationale: BPC section 1632(c)(2) requires the Board to require each applicant to have taken and received a passing score on the clinical and written examination developed by the American Board of Dental Examiners, Inc., within five years prior to the date of their application for a license under this section. Existing regulations do not specify the process, procedures or satisfactory evidence of passing the ADEX exam that would be deemed compliant with Section 1632(c)(2)'s requirements. This proposal is necessary to specify those requirements in regulation consistent with the CDCA-WREB-CITA's requirements for state dental boards,

which includes: (1) authorize the CDCA-WREB-CITA to provide the Board the applicant's cumulative score report electronically showing the applicant's name, test date, the examination taken, and that the applicant passed all portions of the examination the ADEX examination; and, (2) that the applicant shall sign any release, waiver, or consent forms required by CDCA-WREB-CITA to authorize the release and submission of their cumulative score report to the Board.

The American Board of Dental Examiners, Inc.'s ADEX examination was reviewed and adopted by the Board on November 15, 2019 for use as an examination for licensure after validating it as required by BPC section 139 and as mandated to be used as a qualifying examination by BPC section 1632(c)(2). As a result, the Board adds the requirement for passing the ADEX "within five years prior to the date of their application" to give notice of this statutory requirement to applicants and conform the Board's regulations to the statutory requirements in BPC section 1632(c)(2). Finally, since there is no specific criteria that explains how the Board would determine whether an applicant passed the ADEX exam and to avoid confusion for applicants, the Board proposes to add that receipt by the Board of the cumulative score report meeting the requirements of this section shall be deemed in compliance with the examination requirements of BPC section 1632(c)(2).

Adopt 1028(e) Fingerprinting Requirements

Purpose: This proposed subsection sets the requirement that all applicants shall have met the fingerprinting requirements of this subsection prior to issuance of a license to practice dentistry and, further outlines the process for an applicant to have fingerprints taken and submitted to the Board. It covers the requirements for using the Live Scan process administered by the California Department of Justice in subsection (e)(1), steps for in-state applicants in subsection (e)(2), the steps for out-of-state applicants in subsection (e)(3) and the resubmission process if the first fingerprint card or Live Scan fingerprints are rejected in subsection (e)(4).

Rationale: BPC section 144 authorizes the Board to require all applicants to furnish a full set of fingerprints for the purposes of conducting criminal history record checks. It further authorizes the Board to obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation. BPC section 1629 also provides, in part:

(b) Each applicant for licensure under this chapter shall furnish either fingerprint cards or a copy of a completed Live Scan form for submission to state and federal criminal justice agencies, including, but not limited to, the Federal Bureau of Investigation, in order to establish the identity of the applicant and in order to determine whether the

applicant has a record of any criminal convictions in this state or in any other jurisdiction, including foreign countries. The information obtained as a result of the fingerprinting of the applicant shall be used in accordance with Section 11105 of the Penal Code, and to determine whether the applicant is subject to denial of licensure pursuant to Division 1.5 (commencing with Section 475) or Section 1628.5.

However, neither Section 144 nor Section 1629 specifies how such fingerprints need to be submitted or what process the applicant needs to follow to ensure that a “full set of fingerprints” is submitted to the Board according to California Department of Justice requirements. This proposal is necessary to specify those processes and procedures to allow the applicant to successfully submit their fingerprints and meet this eligibility requirement when requested by the Board in accordance with BPC sections 144(b)(5) and 1629. The Board also proposes to add this subsection to facilitate a criminal background investigation. This is permitted under BPC section 1629 and it would help ensure that applicants had not committed any crimes or acts that would be grounds for denial of the license to practice dentistry.

Adopt Subsection 1028 (e)(1) – Live Scan requirement

Purpose: The proposed subsection notifies applicants that the fingerprints requested by the Board are to be taken using the Live Scan service, unless the applicant resides out of state and cannot use the Live Scan service, as noted in proposed paragraph (3) of this subsection. Applicants residing in California will have to use the Live Scan service as described in subsection (e)(2).

Rationale: This change is necessary to specify the requirements by the Department of Justice for processing requests for criminal background checks as provided in Section 144 as they relate to Board applicants for licensure as a dentist. Live Scan is a system for the inkless, electronic submission of fingerprints and the subsequent automated background checks and responses conducted through the California Department of Justice’s (DOJ) database. Applicants living within the State of California and who are required to complete a criminal history background check by a state agency authorized by law to collect those fingerprints (as the Board is authorized per BPC sections 144 and 1629) must complete the DOJ’s “Request for Live Scan Service” to comply with this eligibility requirement (see Underlying Data from DOJ’s website guidance document entitled “Fingerprint Background Checks”). The Board does not incorporate the DOJ’s form by reference in this regulation as it is not a form that is created by this Board and for which the Board would be able to provide the rationale for each requirement on the form or make any changes to the form in response to public comment it might receive on the contents of the form (see similar approach taken at Cal. Code Regs., tit. 10, § 2034.5 and tit. 16, § 1006). Applicants residing outside of California who cannot be

fingerprinted electronically as described in subsection (e)(3) would be excepted from this requirement.

This Live Scan process does not exist in regulation as it applies to the Board's applicants for licensure to practice dentistry (a similar regulation has been established for applicants for temporary licensure at 16 CCR section 1006) and the Board receives many questions from regular applicants, particularly out-of-state residents, on the process and procedures for submitting fingerprints through the Live Scan process for this Board. This proposal would add such detail to give applicants specific directions for completing this application requirement in accordance with DOJ requirements.

Adopt Subsection 1028 (e)(2) – Live Scan process for providing fingerprints

Purpose: The proposed subsection requires applicants to take a completed Live Scan form to a location that offers the service. The applicant will have to pay all fees charged by the location, including the fees paid to the California Department of Justice, the Federal Bureau of Investigation, and any rolling fee. The subsection also provides a weblink for applicants to check for more information regarding the Department of Justice's fingerprint background check requirements, Live Scan locations and current fee information.

Rationale: Consistent with the requirements of the DOJ, the Board proposes to add this subsection to provide applicants the information they need to obtain fingerprints from a Live Scan location and provide them to the Board, which includes payment of the fingerprint processing fees through the Live Scan system at an approved Live Scan location (see Underlying Data "Fingerprint Background Checks"). The Board specifies that the applicant will generally be required to pay all processing fees payable to the Live Scan operator, including the "rolling fee" for fingerprint rolling and the DOJ. This requirement is necessary to require applicants to pay whatever fee is required by the Live Scan Operator (which can vary depending on whether offered by a private business or local law enforcement or school district) and the DOJ and to allow for changes in the fees set by the California Attorney General's Office (the fee is currently \$49). To ensure that applicants check with the DOJ for the most recent information regarding fingerprint background requirements and Live Scan locations, the Board directs applicants to visit the DOJ's website at: <https://oag.ca.gov/fingerprints>.

Adopt Subsection 1028 (e)(3) – Process for providing fingerprints for out-of-state applicants

Purpose: The proposed subsection describes how applicants from outside of California who cannot be fingerprinted electronically through the Live Scan service must comply with the

fingerprinting requirements. Out-of-state applicants will need to have their fingerprints taken at a law enforcement agency in their state of residence using fingerprint cards and submit two fingerprint cards to the Board, along with a payment for the fees charged by the California Department of Justice and the Federal Bureau of Investigation (FBI). The payment method would be required to be made either by personal check drawn on a U.S. bank, money order or certified check, payable to the “Dental Board of California”. The subsection provides the Board’s address where fingerprints cards need to be sent so that the Board may process the fingerprints manually through the DOJ.

Rationale: The Board proposes this subsection to provide out-of-state applicants the information they need to have fingerprints taken and submitted to the Board in compliance with the current requirements for submission of fingerprints for applicants that cannot be fingerprinted electronically through Live Scan. The Board lacks the authority to waive the fingerprint requirements and fees to be paid to it directly to meet the DOJ fingerprint processing requirements for this type of applicant (See Underlying Data from the DOJ Website entitled “Applicant Agencies”). In order to provide a full criminal background check, applicants are required to pay fees for both DOJ and FBI processing through the two agencies’ databases. To ensure that applicants meet all requirements in a form of payment accepted by the Board, the Board specifies how payment needs to be addressed (by check made out to the Board) and where to send the payment.

Adopt Subsection 1028 (e)(4) – Resubmission Process

Purpose: This proposed subsection would specify how and when an applicant’s fingerprints would be rejected and the Board’s current process for resubmitting fingerprints (after notice in writing that the fingerprint card or Live Scan fingerprint is rejected), either by way of Live Scan processes as outlined in the Board’s rejection letter or, if through hard card by submission of their second fingerprint card using the processes outlined in paragraphs (1), (2) or (3), as applicable, of this subsection.

Rationale: Occasionally, applicants will submit fingerprints through either the Live Scan or hard card processes established by the DOJ and they are rejected due to poor print quality (see Underlying Data from DOJ’s website guidance document entitled “Fingerprint Background Checks”). This subsection is necessary to specify that the resubmission process is considered part of the requirements for “furnishing” fingerprints to ensure that the Board can successfully conduct a criminal background search of the applicant through the DOJ’s and FBI’s respective databases. This process includes notice of the rejection of the applicant’s fingerprints and resubmission of the fingerprints either via the hard card method for applicants outlined in

paragraph (3) or via Live Scan as specified in the Board's rejection letter and resubmission via the Live Scan processes outlined in paragraphs (1) and (2).

Repeal Existing Sections 1028(d) and 1028(e)(1)-(3) and renumber accordingly

Purpose: Repeal existing obsolete references to the "Application for Determination of Licensure Eligibility (Portfolio), Form 33A-22P (New 11/2014)," which is incorporated by reference, and associated requirements. These include furnishing a certification from the dean of a qualifying dental college, requirements for the timing of submission of the dean's certification and the candidate's portfolio materials, required arrangements for candidates submitting a portfolio and requirements for the Board's review of submitted portfolio materials.

Rationale: As of January 1, 2025, pursuant to the provisions of SB 1453, the Portfolio Examination pathway for dentist licensure has been legislatively eliminated. Therefore, these provisions would be deleted as no longer necessary.

Add Section 1028(f)

Purpose: Adopt new subsection (f) to set forth what happens after the Board's receipt of an application in terms of the applicant receiving written confirmation of receipt and assignment of an application file number to be used in all communications with the Board. The proposal also specifies that this written confirmation would be sent by mail in the form of either a written deficiency letter or an approval letter notifying the applicant of the requirements of CCR Section 1028.4, as applicable, to the applicant that includes confirmation of receipt and lists their file number.

Rationale: The Board commonly gets questions regarding the process for notifying applicants about the status of their applications. This explanation is necessary to help ensure that applicants fully understand how they will be notified and the form and method of transmission. This explanation also provides notice to applicants regarding how confirmation is sent (deficiency letter where the application is deemed incomplete for specified reasons or an approval letter notifying the applicant of the registration of place of practice requirements of CCR section 1028.4) and how the application file number is issued. Use of a file number is necessary to associate and individually identify an applicant with their application without using highly personal information (e.g., ITIN or SSN). This adoption helps avoid confusion for applicants about this process and reduces inquiries regarding the status of applications.

Amend Section 1028.4 Regarding Application for Issuance of License Number and Registration of Place of Practice Pursuant to Section 1650.

Amend 1028.4 (a)

Purpose: To repeal the requirement that “upon being found eligible for licensure” the applicant shall file an “Application for Issuance of License Number and Registration of Place of Practice,” (Rev. 02-07) that is incorporated herein by reference, and that such application shall be accompanied by the licensure fee as set by Section 1021. In its place, the proposal would add a new requirement that within 30 days of the date of receiving written approval and notice of their eligibility for licensure as a dentist from the Board per CCR section 1028, the applicant shall submit (the word “file” is deleted and replaced with “submit” for easier comprehension) to the Board a completed application as specified in subsection (b) and meet the other applicable requirements of this section to obtain a license number and be deemed compliant with Section 1650 of the BPC.

Rationale: BPC section 1650 provides:

Every person who is now or hereafter licensed to practice dentistry in this state shall register on forms prescribed by the board, his or her place of practice with the executive officer of the Dental Board of California, or, if he or she has more than one place of practice, all of the places of practice, or, if he or she has no place of practice, to so notify the executive officer of the board. A person licensed by the board shall register with the executive officer within 30 days after the date of his or her license.

The language proposed to be repealed is ambiguous as to the process for meeting the requirements for registration and does not reflect the 30-day timeline for registration prescribed by BPC section 1650. The Board commonly gets questions regarding the process for registration and issuance of the license number. The new proposal would avoid confusion by specifying that within 30 days of the date of receiving written notice of their approval and eligibility for licensure (as prescribed above in CCR section 1028(f)), the applicant shall submit to the Board a completed application as specified in subsection (b) and meet the other requirements of this section. This explanation is necessary to help ensure that applicants receive prior notice, fully understand the timeline to submit a completed application, and meet the requirements of Section 1650 and this section. Completed applications are necessary to ensure effective review of applicant qualifications and to avoid deficiencies in the application process.

In addition, these changes would repeal the existing paper form (“Application for Issuance of License Number and Registration of Place of Practice,” (Rev. 02-07) that is currently incorporated by reference) and move the questions currently listed on the paper form and the

fee requirements to a narrative format in proposed new subsections (b)(1) and (b)(2) to facilitate the consolidation of the application requirements and various methods of submission of the application (online, mail or hand delivery). The Board believes it is necessary for the narrative format to be used for the most effective and least confusing implementation of existing laws for those registering their place of practice or providing notice to the Executive Officer as required by Section 1650. This ensures that all forms of submission are consistent regardless of the method chosen by applicants for submission of the required information.

Adopt 1028.4(a)(1)

Purpose: This proposal adopts a new subdivision (a)(1) and establishes a definition and requirements for how an applicant would “submit to the Board” an application, and if applicable, the initial application fee required by CCR section 1021. These proposed changes were made to implement the transition to the Board’s online, electronic applications and licensing system (“BreEZe”) for all licensing applications that include electronic submission of data, payment, filing, and signature requirements not included in the Board’s existing regulations. Under this proposal, all applications would also be accepted if submitted by mail or hand-delivery as specified. Regardless of the submission method chosen by the applicant, the qualification requirements for licensure would be the same.

Applications would be required to be submitted according to the following requirements:

(1) For the purposes of this section “submit to the Board” means to transmit an application and, if applicable, the initial license fee required by Section 1021 (“required fee”) by mail with postage prepaid addressed to the Board at the Board office at the address listed on the Board’s website, by hand delivery to the Board office, or electronically through a web link to the Department of Consumer Affairs’ online licensing system entitled “BreEZe” (“online services system”) located on the Board’s website in accordance with subparagraph (B) of paragraph (2).

Rationale: These proposed provisions are necessary to ensure clear notice to the applicants of the acceptable methods of submission of registration of place of practice applications and the associated initial license fee specified in CCR section 1021 and where or how to file their applications and pay their fee (unless they qualify for a waiver of the initial license fee per BPC section 115.5 as further discussed below). In addition to traditional methods of submission (paper applications submitted by mail or hand delivery to the Board’s offices), the Board now accepts electronic online submission through a web link to the Department of Consumer Affairs’ online licensing system located on the Board’s web site. These changes are therefore necessary to notify and inform applicants of this option and cross-referencing the specific steps

needed to use that system in subparagraph (B) of paragraph (2) discussed in more detail below.

Electronic Submission Option -- BreEZe online services system

Existing requirements do not provide an option for submitting an application electronically. These regulations would formally implement such an option, while permitting other traditional methods of delivery to facilitate greater applicant choice for initial entry into the profession. The Board has worked with the Department of Consumer Affairs (DCA) to create an online services system to allow electronic filing of applications via the BreEZe weblink on the Board's website.

As further explained below, the online system is necessary for the most efficient and secure method of collecting and transmitting this data electronically. The data is collected in an online format inside the BreEZe website platform and submitted data will only be viewable by the individual who submitted the data and Board employees who are accessing the submitted data on the Department of Consumer Affairs' (DCA's) secure network. The measures DCA, which provides general IT services to the Board, takes to protect personal identifying information stored on its networks include:

- Data loss prevention software to detect sensitive data and confidential information and keep it from leaking outside DCA through email.
- Extended detection and response tools to block advanced malware, exploits, and ransomware attacks.
- Functional, security, accessibility, and performance testing of the software applications.

These requirements are necessary to ensure data integrity and security of information from applicants and effectively meet the needs of the Board and users.

Adopt Section 1028.4 (a)(2)(A)

Purpose: Adopt a new subsection (a)(2), subparagraph (A), to specify that applications submitted by mail or hand delivery include the application and required fee (if applicable) and that they shall be placed in a sealed envelope and addressed to the Board at the Board office at the address listed on the Board's website. The required fee shall be paid by cash, check, money order, or cashier's check payable to the Dental Board of California.

Rationale: The Board commonly gets questions regarding the process for submitting applications. This explanation is necessary to help ensure that applicants fully understand the requirements for acceptable submission of applications by mail or hand delivery to the Board.

These requirements are necessary to provide notice and specify the other acceptable methods for submitting application for issuance of license number and registration of place of practice, and paying the required fee. Since the Board does not currently have the ability to process credit card payments for paper applications, this regulation is necessary to avoid confusion about acceptable payment options and specify the only acceptable payment methods for those submitting a paper application, which include payment by cash, check, money order, or cashier's check payable to the Dental Board of California.

Adopt Section 1028.4 (a)(2)(B)

Purpose: This proposal adopts a new subsection (a)(2)(B) and establishes the requirement that applicants electronically file a specified completed application according to requirements set forth in this subsection. Applications submitted electronically would be required to be completed according to specified requirements, including:

(B) For applications submitted electronically through the online services system, the applicant shall complete the application according to the following requirements:

1. The applicant shall first login to or register for a user account by typing in a username and password on the initial registration or public sign-in page to access the online services system.

2. After a user account has been created and the online services system accessed online, the applicant shall submit all of the information required by subsection (b) through the online services system.

3. Electronic signature. When a signature is required by the particular instructions of any filing to be made through the online services system, including any attestation under penalty of perjury, the applicant shall affix their electronic signature to the filing by typing their name in the appropriate field and submitting the filing via the Board's online services system. Submission of a filing in this manner shall constitute evidence of legal signature by any individual whose name is typed on the filing.

4. Any documents required to be submitted as part of the application set forth in subsection (b) shall be submitted through the online services system as a .pdf of the document submitted as an attachment to the application.

5. Required fees shall be paid by credit card (Visa, Mastercard, or Discover) through the online services system and paid in full to the Dental Board of California. The applicant shall be required to pay any associated processing or convenience fees to the third-

party vendor processing the payment on behalf of the Board and such fees will be itemized and disclosed to the applicant prior to initiating payment through the online services system.

Rationale: The proposed language adds several conditions at subparagraphs 1.-5. that are necessary to establish the new electronic applications process for completing and electronically submitting an application, as follows.

Login or Register for a User Account (subparagraphs 1. and 2.)

The first condition is that specified information be submitted electronically through a web link to the Department of Consumer Affairs' online services system beginning with accessing the initial registration or sign-in page on the Board's website. This is necessary to inform applicants that the submission process begins by going to the Board's online portal pages on the Board's website to start the registration process for BreZE. The next step in that process is that an applicant sets up an account with the Board via the DCA's BreZE platform and creates a username and password unless they already have one, in which case, they would simply log in to their account. As explained above, security of information is key to protecting the integrity of the application process when using an electronic transmission method. When setting up a secured account, it is standard to have the user create a username and password to make sure unauthorized persons cannot access the account. This allows the Board to hold the applicant responsible for any information submitted through the platform and liable for any consequences.

These subparagraphs were added to provide clear guidance and instructions for applicants who wish to submit their applications electronically. By establishing a new subdivision with these subparagraphs and expanding on specific submission requirements, this proposal aims to simplify the registration process and ensure that all applicants can easily access and utilize the platform. The registration requirements included in this section will help to streamline the process and ensure that applicants provide a completed and accurate application to the Board for processing when submitting applications electronically.

Electronic Signature Requirement (subparagraph 3.)

To ensure authenticity and compliance with legal signature requirements, the Board requires an electronic signature for any filing made through the online services system. This includes attestation under penalty of perjury (see proposed subsection (b)(10)). To file, an applicant must affix their electronic signature by typing their name in the appropriate field and submit the filing via the Board's online services system. By doing so, the Board

can verify that the individual has reviewed and approved the filing. Moreover, the electronic submission serves as evidence of a legal signature by any individual whose name is typed on the filing. This can be used to verify the authenticity of the filing in the event of any legal disputes or investigations. Further, this new electronic application submission process requires access to the online services system to submit the required information and the uploading of any electronic document required to be submitted per subsection (a)(2)(B), and therefore must rely on an electronic signature to authenticate the documents submitted.

Electronic signatures are authorized under California Government Code section 16.5. The proposed language sets out the process for the submission of an application for issuance of license number and place of practice electronically and therefore, the typical certification that has been done traditionally using a “wet” signature is now being done through an electronic signature, using the signature of applicant, as specified. Under section 1633.9 of the Uniform Electronic Transaction Act (UETA --Civil Code sections 1633.1-1633.17), “An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.” This standard is met here as the security procedures established in subparagraphs 1. and 2. above, including the establishment of a user name and password, provides a security procedure to assure that only the identified individual could submit an application. As the submission of an application requires a legally valid signature, the new process of applying via the Board’s online portal requires that this be met using an electronic signature.

The purpose of this section is to inform applicants submitting their application for issuance of a license number and registration of place of practice of the signature requirement, to reaffirm that the signature is required by this filing, and then to explain that the requirement is met if the applicant types their name into the appropriate field and then submits the application via the online services system. The process outlined here for signing the document is also a widely used and recognized method for signing a document electronically and therefore would be easy for the applicant to understand and use.

For the certification under penalty of perjury, the Board relies upon applicants’ self-reported information in evaluating applications or other forms submitted for processing by the Board. This requirement helps ensure that the representations on the form (whether electronic or paper) are accurate, truthful and made in good faith. In addition, the certification under penalty of perjury helps ensure the reliability of the statements to the Board (since certifying under penalty of perjury can have a deterrent effect on those who may be considering not

providing true, accurate or complete information), and provides the Board with the option of seeking sanctions and referring the matter to law enforcement in the event that such information is not true, complete or accurate. [“The oath or declaration must be in such form that criminal sanctions of perjury might apply where material facts so declared to be true, are in fact not true or are not known to be true.” *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [holding modified by *Laborde v. Aronson* (2001) 92 Cal.App.4th 459.] The statement that “submission of a filing in this manner shall constitute evidence of legal signature by any individual whose name is typed on the filing,” is needed to provide notice of the legal effect of signing the document electronically, in accordance with UETA and section 1633.7 of the Civil Code, which states that: “(a) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form,” and “(d) If a law requires a signature, an electronic signature satisfies the law...”

Required format for those documents submitted through the online services system (subparagraph 4.)

This proposal is necessary to specify the new application compliance requirements for submission of documents through the online services system as an attachment in a .pdf format. Scanning and electronically uploading the documents in a PDF format attached to the application through a web link to BreEZe on the Board’s website at a specific URL helps streamline the application process and makes it more efficient. This digital approach removes the need for physical copies and enables the Board to retain the information in a readily retrievable and accessible form. Finally, this PDF format is a common and widely available format that should be easy for applicants to use to meet the Board’s compliance requirements.

Only specified credit cards accepted (Visa, Mastercard, or Discover) for payment of the initial application fee and notice that the applicant will pay the convenience fee for using a credit card to pay the application fee (subparagraph 5.)

A Master Service Agreement (MSA) from the Department of General Services (DGS), State of California, is a comprehensive contract that establishes the terms and conditions governing the provision of services between the state and a service provider. MSAs are authorized by Government Code section 6162, which provides, in part, the following:

- (a) Except as provided in Section 6159, the Director of General Services, or his or her designee, may negotiate and enter into any contracts necessary to implement or facilitate the acceptance of credit cards or other payment devices by state agencies. The authority granted to the director pursuant to this section shall include the discretion to negotiate and

agree to specific terms applicable to each state agency, including, but not limited to, the terms regarding any payment of fees to third parties for the acceptance of credit cards or other payment devices, types of payments, any limitations on amounts and limits of liabilities that would be eligible for payment by credit card or other payment device, and operational requirements. . .

The Board is currently authorized to accept payments by credit card (Visa, Mastercard, or Discover) pursuant to contract authorized per an MSA executed and approved by the Director of the Department of General Services, which includes payments of convenience fees to third parties who process credit card payments from these credit card companies (see Underlying Data). While the Board believes such state procurement processes, including the associated convenience fee set by contract, are exempt from rulemaking under Government Code section 14615.1, the Board believes this proposal is necessary to provide notice to the applicants that the credit card convenience fee charged by the credit card companies would now be paid directly by the applicant whenever BreEZe is used to submit a credit card for payment of the application. This amount would be itemized separately from the application fee in accordance with the current contract (see Underlying Data -- convenience fees are listed as “separate charge from the transaction amount”); itemization also ensures that the applicant is informed and can make an informed decision about submitting their applications electronically, which includes the added convenience fee. This proposal is similar to a regulation adopted by the Department of Cannabis Control (formerly “Bureau of Cannabis Control” in DCA at 4 CCR § 15015). Applicants choosing to use a paper option to submit their application would not pay a convenience fee but would be required to pay by cash, check, money order, or cashier’s check as specified, and as authorized by 31 U.S.C. section 5103 and Government Code section 6157.

The Board has historically not passed along the cost for the convenience fee charged by credit card companies to the applicant using the Board’s online application process to pay the application fee. However, the Board has approved moving this cost to those who elect to use the online services system to help lessen rising costs for the Board’s Dentistry Fund, the fund from which all revenues are deposited, and costs are paid. This helps ensure that those who benefit from the service pay for it and helps avoid fee increases in the future for the general licensing population.

Adopt Introductory Sentence in 1028.4(b)

Purpose: This proposal would adopt a requirement that specifies that “A completed application for issuance of license number and registration of place of practice shall include the following:”

Rationale: This is necessary to specify that a completed application is required as part of the application process and to more clearly specify the list of items needed to complete the application that follows in the paragraphs following this introduction (paragraphs (1) through (9)). The Board commonly gets questions regarding the process for applications. This explanation is necessary to help ensure that applicants fully understand what information and fees must be included in an application for issuance of license number and registration of place of practice for it to be considered “complete”. This helps reduce deficiencies in the application process.

Adopt 1028.4(b)(1)

Purpose: This proposal would add a requirement to the application that the applicant submit the initial license fee set forth in section 1021. In addition, the Board proposes to add the words “unless the applicant meets the requirements for a waiver of the initial license fee as set forth in Section 115.5 of the Code and further specified in paragraph (6) (of this section, which refers to requirements in law and the documentary evidence required to waive this fee as required by BPC section 115.5) to give notice that the fee is waived for those qualifying as specified in paragraph (5) of this subsection.

Rationale: These changes are necessary to ensure adequate notice that the initial license fee is required as part of the completed application. Further, BPC section 115.5 requires the Board to waive the initial license fee for those meeting the following criteria:

(1) Supplies evidence satisfactory to the board that 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.

(2) Holds a current license in another state, district, or territory of the United States in the profession or vocation for which the applicant seeks a license from the board

These changes are necessary to conform the Board’s application requirements to law, specifically provide for this exemption in regulations, and inform applicants about the fee waiver permitted under BPC section 115.5, which is detailed in subsection (b)(6).

Adopt 1028.4 (b)(2)

Purpose: The proposed additions to this subsection add requirements for contact and identifying information requested from applicants, including an applicant's "full" name (Last, First, and Middle and/or Suffix), applicants address of record, applicant's address of place of practice ("practice address") if different from address of record (to avoid unnecessary duplication), a notice and direction that applicants who do not have a practice address in California may leave this section blank, the applicant's telephone number, the applicant's e-mail address, and applicant's file number (which is issued by the Board upon receipt of the application as described in subsection (f) of section 1028 below).

Rationale: As discussed above, these items are currently collected on the paper form and are proposed to be listed in a narrative format for consistent implementation of application requirements regardless of the method selected by the applicant for submission (electronic or hard copy). These proposed additional details and information provide specificity to applicants about what information is required, provide additional details for Board staff to confirm the identity of an applicant and provide additional, and more reliable, means of contacting an applicant during the application process. This information will also help the Board communicate with applicants more effectively and accurately track all information related to the licensing application through this identifying information.

The Board proposes to collect the address for the place of practice in California as part of the registration requirement for compliance with BPC section 1650, which the Board has historically interpreted to apply to registration of California practice locations (understanding that the purpose of this provision is to allow inspection and regulation of in-state locations where the practice of dentistry occurs "in this state"). The added direction to leave the form "blank" for those without a practice address in California permits these types of applicants to meet the requirements of BPC section 1650 until they acquire a practice location in California and specifies the acceptable method of notifying the Executive Officer that they have no practice location at the time of application.

Adopt 1028.4(b)(3)

Purpose: This proposal asks the applicant whether the applicant is requesting the expediting of their application for active duty members of the U.S. Armed Forces who have been honorably discharged. If the answer is "yes," the applicant shall provide the following documentation with the application to receive expedited review: a copy of a certificate of release from active duty (DD-214, which is the Department of Defense's standard report of separation for members of the U.S. Armed Forces that includes the necessary information for the Board to process such

requests) or other documentary evidence showing the date and type of discharge to receive expedited review.

Rationale: This question is necessary to determine whether an applicant is applying for expedited review and processing per BPC section 115.4. To date, the Board has not received any other type of evidence in lieu of the DD-214 but includes this possibility should it be submitted in the future to help ensure that applicants have other options for demonstrating they qualify. This information is necessary to determine whether the applicant has provided satisfactory evidence that meets the requirements for expedited processing per BPC section 115.4.

Adopt 1028.4(b)(4)

Purpose: This proposal would ask the applicant whether they are an active-duty member of a regular component of the United States Armed Forces and enrolled in the United States Department of Defense's SkillBridge program as authorized under Section 1143(e) of Title 10 of the United States Code and is requesting expedited processing of their application pursuant to subdivision (b) of Section 115.4 of the Code. If the answer is "yes", the applicant shall provide with their application a copy of an official approval document or letter from their respective United States Armed Forces Service branch (Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard), signed by the applicant's first field grade commanding officer that specifies the applicant's name, the approved SkillBridge opportunity, and the specified duration of participation (i.e., start and end dates).

Rationale: This proposal is necessary to determine whether an applicant qualifies for expediting their application as required by BPC section 115.4(b) and to specify documentation to ensure verification of such status with the Department of Defense. A representative from the Department of Consumer Affairs consulted with representatives from the Department of Defense (DOD) in the development of these criteria and these revisions were made consistent with the Board's understanding of those common requirements for showing approval of such enrollees in the DOD SkillBridge partner application process across all branches of the US Armed Forces (Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard). This adoption is necessary to implement and give adequate notice of these qualifying requirements to obtain expedited review per BPC section 115.4(b).

Adopt 1028.4(b)(5)

Purpose: The proposal asks the applicant whether they already hold a current license or comparable authority to practice dentistry in another U.S. state, district or territory (all part of the definition for “State” in BPC section 21), and whether their spouse or domestic partner is an active-duty member of the U.S. Armed Forces and is assigned to a duty station in California under official active-duty orders. If the applicant answers yes, the proposal provides that their application will receive an expedited review and waiver of the initial license fee, per BPC section 115.5, if specified documentation is provided. The specified documentation to support the request includes: (1) a certificate of marriage or certified declaration/registration of domestic partnership filed with the Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces; (2) a copy of the applicant’s current license to practice dentistry in another state, district, or territory of the United States; and, (3) a copy of the military orders establishing their spouse or partner’s duty station in California.

Rationale: The question is necessary to determine whether an applicant meets the requirements for expedited review and processing and waiver of the initial license fee under BPC section 115.5. These documents are necessary to verify and ensure the applicant meets the statutory requirements for expediting the licensure process and fee waiver by requesting official government documents, licenses and military records to substantiate the information provided to the Board. To date, the Board has not received any other type of evidence in lieu of a certificate of marriage or certified declaration/registration of domestic partnership but includes this possibility of “other documentary evidence” should it be submitted in the future to help ensure that applicants have other options for demonstrating they qualify.

Adopt 1028.4 (b)(6) and (b)(7)

Purpose: This proposal asks the applicant in subsection (b)(6) to indicate whether: (1) the applicant was admitted to the United States as a refugee pursuant to section 1157 of Title 8 of the United States Code; or (2) the applicant was granted asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to section 1158 of Title 8 of the United States Code; or, (3) the applicant has a special immigrant visa and was granted a status pursuant to section 1244 of the Public Law 110-181, Public Law 109-163, or section 602(b) of Title VI of division F of Public Law 111-8 [relating to Iraqi and Afghan translators/interpreters of those who worked for or on behalf of the United States government].

If the applicant answers yes, in subsection (b)(7), the Board requests they provide official documents commonly issued by federal agencies or the courts for the categories of individuals

listed in section 135.4 as evidence of their status as a refugee, asylee, or special immigrant visa holder which includes:

- Form I-94, arrival/departure record, with an admission class code such as “re” (refugee) or “ay” (asylee) or other information designating the person a refugee or asylee.
- Special immigrant visa that includes the “si” or “sq.”
- A permanent resident card (Form I-551), commonly known as a “green card,” with a category designation indicating that the person was admitted as a refugee or asylee.
- An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Board that the applicant qualifies for expedited licensure per BPC section 135.4.

Rationale: These questions are necessary to determine whether the applicant qualifies for expediting of the initial application for refugees, asylees, and holders of special immigrant visas as required by BPC section 135.4(a)’s criteria for expediting these types of applications. These documents are necessary to verify and ensure the applicant meets the statutory requirements for expediting the initial application process. Copies of official government documents will help ensure the accuracy of the information provided by the applicants to the Board.

Adopt 1028.4 (b)(8)

Purpose: Civil Code section 1798.17 requires each state agency to provide on or with any form used to collect personal information from individuals the notice specified in that section. Beginning with the header “Information Collection and Access”, the proposal would include the required notices and disclosures to the applicant for the Board’s collection of personal information in compliance with Civil Code section 1798.17 whenever any optional paper application (convenience form) is provided by the Board or if an electronic application is submitted through the Board’s online services system (BreEZe). To ensure that the applicant receives effective notice of the Board’s personal information collection practices, the proposal includes a requirement that the applicant submit a written statement, signed and dated by the applicant, that they have read the notice as specified. It would further require that the notice be submitted to the applicant to review prior to requiring any submission of the signed statement of acknowledgement that they have read the notice to ensure that applicants receive advance notice and can make an informed decision about proceeding with the application process prior to signing the statement.

Rationale: Individuals electing to use a paper submission method often request paper “convenience forms” to file applications while most other applicants request information on how

to use the Board's online services system, which the Board considers an "electronic application form." As a result, the Board has prepared notices of the Board's personal information collection practices in compliance with Civil Code section 1798.17. The Notice contains the following disclosures:

All items in this application are mandatory.

Failure to provide any of the requested information to the Dental Board of California (Board) will delay the processing of your application and will result in the application being rejected as incomplete.

The information provided will be used to determine compliance with California Business and Professions Code (BPC) section 1650 and California Code of Regulations, title 16, section 1028.4, which authorizes the collection of this information.

This statement is necessary to provide notice to the applicant that all items requested on the application must be submitted to the Dental Board of California (with shortform reference to the "Board" added for easier review) or processing will be delayed, and the application will be rejected as incomplete. The notice instructs the applicant that the information requested is mandatory. This helps to ensure the applicant completes the application, resulting in fewer processing delays. This information is also required to be provided to affected individuals in accordance with Civil Code section 1798.17, subdivisions (a), (c), (d), and (e).

In addition, the Notice contains information regarding when information may be disclosed or transferred to other governmental or law enforcement agencies, the right of an applicant to review their application and their files and related limitations on that access by law, disclosure of instances where information on the application may be disclosed to a member of the public or pursuant to court order, subpoena or search warrant, and information regarding the Board official responsible for maintaining the information (Executive Officer) and related contact information.

These statements are necessary to notify the applicant that the information they provide may be provided to other governmental agencies and the circumstances under which disclosures may be made. These statements are also necessary to comply with the Section 1798.17 of the Civil Code which requires the Board to notify the applicant of the uses of their personal information, as well as provide other disclosures in accordance with Civil Code section 1798.17, subdivisions (b), (f), (g) and (h).

Adopt 1028.4(b)(9)

Purpose: Under proposed subsection (b)(9), the application would require individuals to sign and date the application and certify under penalty of perjury that the information on or with the application is true and correct. The Board relies upon applicants' self-reported information in evaluating applications or other forms submitted for processing by the Board. This requirement helps ensure that the representations on the form are accurate, truthful and made in good faith. As noted previously, these requirements are necessary to conform the Board's certification statement to the requirements in Code of Civil Procedure section 2015.5. In addition, the certification under penalty of perjury helps ensure the reliability of the statements to the Board (since certifying under penalty of perjury can have a deterrent effect on those who may be considering not providing true, accurate or complete information), and provides the Board with the option of seeking sanctions and referring the matter to law enforcement in the event that such information is not true, complete or accurate. ["The oath or declaration must be in such form that criminal sanctions of perjury might apply where material facts so declared to be true, are in fact not true or are not known to be true." *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [holding modified by *Laborde v. Aronson* (2001) 92 Cal.App.4th 459.]

Adopt 1028.4(c)

Purpose: This proposal would add a new subsection that specifies that if an applicant files an application and leaves the practice address blank the licensee must immediately report their name, license number and practice address to the Board in writing, if and when the licensee has a practice address in California. It further specifies the methods for submission including by mail to the attention of the board's licensing and examination unit at the Board office at the address listed on the Board's website, or by e-mail to DentalBoard@dca.ca.gov.

Rationale: BPC section 1650 requires registration of the place of practice with the Board on forms prescribed by the Board or if he or she has no place of practice, to so notify the Executive Officer of the Board. Registration of place of practice or notification of no place of practice is required within 30 days after the date of issuance of the license. However, Section 1650 does not specify how a licensee with no initial practice location would notify the Board once the licensee does acquire a practice location in California. This proposal would close that loophole that might otherwise allow those who acquire a location later to not register their practice location.

BPC section 1611 authorizes the Board to inspect any premises of any dentist licensed under the Act. This section is necessary to close a potential loophole created by Section 1650, to enforce the authority in Section 1611 to inspect all premises where dentistry is practiced for the health and safety of all consumers, and to avoid licensee confusion over whether an applicant who left the place of practice question “blank” on the original registration application and thereafter obtained a license has to subsequently notify the Board once they do acquire a practice location as a licensee and give specified contact and identifying information (name, license number and their practice address) to enable the Board to verify compliance with this requirement. This requirement ensures timely notice to the Board where the practice of dentistry is occurring and the ability to regulate and immediately inspect those locations in accordance with BPC section 1611. Further, the requirements for submission via specified methods (by mail or email to specified addresses and Units within the Board) provides greater notice to licensees of the best ways to effectively communicate this information to the Board and thereby facilitate compliance with this reporting requirement.

Amend Section 1028.5. Application for California Law and Ethics Examination Pursuant to Section 1632(b).

Amend 1028.5 introduction (renumbered to (a))

Purpose: To add a new numbering system beginning with (a) to this existing sentence for greater organization of subject matter, and to repeal the current paper form “Application for Law and Ethics Examination” (Rev. 12/07),” incorporated by reference in this subsection. This proposal would also add new requirements for the application for the California law and ethics exam required by BPC section 1632 and CCR section 1031 (added to avoid ambiguity regarding the exact examination referenced) that specify that the application shall be made “by submitting to the Board a completed application as specified in subsection (b) and meeting the other applicable requirements of this section.”

Rationale: BPC 1632(b) provides, in part:

The board shall require each applicant to successfully complete an examination in California law and ethics developed and administered by the board. The board shall provide a separate application for this examination.

As noted in other rationales above for repealing incorporated forms, these changes would repeal the existing paper form “Application for Law and Ethics Examination” (Rev. 12/07) that is currently incorporated by reference and move the questions currently listed on the paper form and the fee requirements to a narrative format for the Board’s application in proposed

new paragraphs in subsection (b) to facilitate the consolidation of the application requirements and various methods of submission of the application (online, mail or hand delivery). The Board believes it is necessary for the narrative format to be used for the most effective and least confusing implementation of existing laws for those applying to take the law and ethics examination. This ensures that all forms of submission are consistent regardless of the method chosen by applicants for submission of the required information. To ensure notice that the application process includes meeting the transmission requirements of this subsection, the Board adds “and meeting the other applicable requirements of this section.” This helps avoid deficiencies in the application process.

Adopt 1028.5(a)(1)

Purpose: This proposal adopts a new subdivision (a)(1) and establishes a definition and requirements for “submitting to the Board” an application and the law and ethics examination fee required by CCR section 1021. These proposed changes were made to implement the transition to the Board’s online, electronic applications and licensing system (“BreEZe”) for all licensing applications that include electronic submission of data, payment, filing, and signature requirements not included in the Board’s existing regulations. Under this proposal, all applications would also be accepted if submitted by mail or hand-delivery as specified. Regardless of the submission method chosen by the applicant, the qualification requirements for licensure would be the same.

Applications would be required to be submitted according to the following requirements:

(1) For the purposes of this section “submitting to the Board” means to transmit an application and the application for law and ethics examination fee required by Section 1021 (“required fee”) by mail with postage prepaid addressed to the Board at the Board office at the address listed on the Board’s website, by hand delivery to the Board office, or electronically through a web link to the Department of Consumer Affairs’ online licensing system entitled “BreEZe” (“online services system”) located on the Board’s website in accordance with subparagraph (B) of paragraph (2).

Rationale: These proposed provisions are necessary to ensure clear notice to the applicants of the acceptable methods of submission of law and ethics examination applications and the associated fee specified in CCR section 1021 and where or how to file their applications and pay their fee. In addition to traditional methods of submission (paper applications submitted by mail or hand delivery to the Board’s office as defined in 16 CCR section 1000(d)), the Board now accepts electronic online submission through a web link to the Department of Consumer Affairs’ online licensing system located on the Board’s web site. These changes are therefore

necessary to notify and inform applicants of this option and cross-referencing the specific steps needed to use that system in subparagraph (B) of paragraph (2) discussed in more detail below.

Electronic Submission Option -- BreEZe online services system

Existing requirements do not provide an option for submitting an application electronically. These regulations would formally implement such an option, while permitting other traditional methods of delivery to facilitate greater applicant choice for initial entry into the profession. The Board has worked with the Department of Consumer Affairs (DCA) to create an online services system to allow electronic filing of applications via the BreEZe weblink on the Board's website.

As further explained below, the online system is necessary for the most efficient and secure method of collecting and transmitting this data electronically. The data is collected in an online format inside the BreEZe website platform and submitted data will only be viewable by the individual who submitted the data and Board employees who are accessing the submitted data on the Department of Consumer Affairs' (DCA's) secure network. The measures DCA, which provides general IT services to the Board, takes to protect personal identifying information stored on its networks include:

- Data loss prevention software to detect sensitive data and confidential information and keep it from leaking outside DCA through email.
- Extended detection and response tools to block advanced malware, exploits, and ransomware attacks.
- Functional, security, accessibility, and performance testing of the software applications.

These requirements are necessary to ensure data integrity and security of information from applicants and effectively meet the needs of the Board and users.

Adopt Section 1028.5 (a)(2)(A)

Purpose: Adopt a new subsection (a)(2), subparagraph (A), to specify that applications submitted by mail or hand delivery include the application and required fee and that they shall be placed in a sealed envelope and addressed to the Board at the Board office (as defined in 16 CCR section 1000(d)) at the address listed on the Board's website. The required fee shall be paid by cash, check, money order, or cashier's check payable to the Dental Board of California.

Rationale: The Board commonly gets questions regarding the process for submitting applications. This explanation is necessary to help ensure that applicants fully understand the requirements for acceptable submission of applications by mail or hand delivery to the Board. These requirements are necessary to provide notice and specify the other acceptable methods for submitting application for the application for the California law and ethics examination, and paying the required fee. Since the Board does not currently have the ability to process credit card payments for paper applications, this regulation is necessary to avoid confusion about acceptable payment options and specify the only acceptable payment methods for those submitting a paper application, which include payment by cash, check, money order, or cashier's check payable to the Dental Board of California.

Adopt Section 1028.5(a)(2)(B)

Purpose: This proposal adopts a new subsection (a)(2)(B) and establishes the requirement that applicants electronically file a specified completed application according to requirements set forth in this subsection. Applications submitted electronically would be required to be completed according to specified requirements, including:

(B) For applications submitted electronically through the online services system, the applicant shall complete the application according to the following requirements:

1. The applicant shall first login to or register for a user account by typing in a username and password on the initial registration or public sign-in page to access the online services system.

2. After a user account has been created and the online services system accessed online, the applicant shall submit all of the information required by subsection (b) through the online services system.

3. Electronic signature. When a signature is required by the particular instructions of any filing to be made through the online services system, including any attestation under penalty of perjury, the applicant shall affix their electronic signature to the filing by typing their name in the appropriate field and submitting the filing via the Board's online services system. Submission of a filing in this manner shall constitute evidence of legal signature by any individual whose name is typed on the filing.

4. Any documents required to be submitted as part of the application set forth in subsection (b) shall be submitted through the online services system as a .pdf of the document submitted as an attachment to the application.

5. Required fees shall be paid by credit card (Visa, Mastercard, or Discover) through the online services system and paid in full to the Dental Board of California. The applicant shall be required to pay any associated processing or convenience fees to the third-party vendor processing the payment on behalf of the Board and such fees will be itemized and disclosed to the applicant prior to initiating payment through the online services system.

Rationale: The proposed language adds several conditions at subparagraphs (i)-(v) that are necessary to establish the new electronic applications process for completing and electronically submitting an application, as follows.

Login or Register for a User Account (subparagraphs 1. and 2.)

The first condition is that specified information be submitted electronically through a web link to the Department of Consumer Affairs' online services system beginning with accessing the initial registration or sign-in page on the Board's website. This is necessary to inform applicants that the submission process begins by going to the Board's online portal pages on the Board's website to start the registration process for BreEZe. The next step in that process is that an applicant sets up an account with the Board via the DCA's BreEZe platform and creates a username and password unless they already have one, in which case, they would simply log in to their account. As explained above, security of information is key to protecting the integrity of the application process when using an electronic transmission method. When setting up a secured account, it is standard to have the user create a username and password to make sure unauthorized persons cannot access the account. This allows the Board to hold the applicant responsible for any information submitted through the platform and liable for any consequences.

These subparagraphs were added to provide clear guidance and instructions for applicants who wish to submit their applications electronically. By establishing a new subdivision with these subparagraphs and expanding on specific submission requirements, this proposal aims to simplify the application process and ensure that all applicants can easily access and utilize the platform. The registration requirements included in this section will help to streamline the process and ensure that applicants provide a completed and accurate application to the Board for processing when submitting applications electronically.

Electronic Signature Requirement (subparagraph 3.)

To ensure authenticity and compliance with legal signature requirements, the Board requires an electronic signature for any filing made through the online services system. This includes attestation under penalty of perjury (see proposed subsection (b)(10)). To file, an applicant must affix their electronic signature by typing their name in the appropriate field and submit the filing via the Board's online services system. By doing so, the Board can verify that the individual has reviewed and approved the filing. Moreover, the electronic submission serves as evidence of a legal signature by any individual whose name is typed on the filing. This can be used to verify the authenticity of the filing in the event of any legal disputes or investigations. Further, this new electronic application submission process requires access to the online services system to submit the required information and the uploading of any electronic document required to be submitted per subsection (a)(2)(B), and therefore must rely on an electronic signature to authenticate the documents submitted.

Electronic signatures are authorized under California Government Code section 16.5. The proposed language sets out the process for the submission of an application for law and ethics examination electronically and therefore, the typical certification that has been done traditionally using a “wet” signature is now being done through an electronic signature, using the signature of applicant, as specified. Under section 1633.9 of the Uniform Electronic Transaction Act (UETA --Civil Code sections 1633.1-1633.17), “An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.” This standard is met here as the security procedures established in subparagraphs 1. and 2. above, including the establishment of a user name and password, provides a security procedure to assure that only the identified individual could submit an application. As the submission of an application requires a legally valid signature, the new process of submitting an application via the Board’s online portal requires that this be met using an electronic signature.

The purpose of this section is to inform applicants submitting their application for the California law and ethics examination of the signature requirement, to reaffirm that the signature is required by this filing, and then to explain that the requirement is met if the applicant types their name into the appropriate field and then submits the application via the online services system. The process outlined here for signing the document is also a widely used and recognized method for signing a document electronically and therefore would be easy for the applicant to understand and use.

For the certification under penalty of perjury, the Board relies upon applicants' self-reported information in evaluating applications or other forms submitted for processing by the Board. This requirement helps ensure that the representations on the form (whether electronic or paper) are accurate, truthful and made in good faith. In addition, the certification under penalty of perjury helps ensure the reliability of the statements to the Board (since certifying under penalty of perjury can have a deterrent effect on those who may be considering not providing true, accurate or complete information), and provides the Board with the option of seeking sanctions and referring the matter to law enforcement in the event that such information is not true, complete or accurate. ["The oath or declaration must be in such form that criminal sanctions of perjury might apply where material facts so declared to be true, are in fact not true or are not known to be true." *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [holding modified by *Laborde v. Aronson* (2001) 92 Cal.App.4th 459.] The statement that "submission of a filing in this manner shall constitute evidence of legal signature by any individual whose name is typed on the filing," is needed to provide notice of the legal effect of signing the document electronically, in accordance with UETA and section 1633.7 of the Civil Code, which states that: "(a) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form," and "(d) If a law requires a signature, an electronic signature satisfies the law..."

Required format for those documents submitted through the online services system (subparagraph 4.)

This proposal is necessary to specify the new application compliance requirements for submission of documents through the online services system as an attachment in a .pdf format. Scanning and electronically uploading the documents in a PDF format attached to the application through a web link to BreZE on the Board's website at a specific URL helps streamline the application process and makes it more efficient. This digital approach removes the need for physical copies and enables the Board to retain the information in a readily retrievable and accessible form. Finally, this PDF format is a common and widely available format that should be easy for applicants to use to meet the Board's compliance requirements.

Only specified credit cards accepted (Visa, Mastercard, or Discover) for payment of the initial application fee and notice that the applicant will pay the convenience fee for using a credit card to pay the application fee (subparagraph 5.)

A Master Service Agreement (MSA) from the Department of General Services (DGS), State of California, is a comprehensive contract that establishes the terms and conditions governing the provision of services between the state and a service provider. MSAs are authorized by Government Code section 6162, which provides, in part, the following:

(a) Except as provided in Section 6159, the Director of General Services, or his or her designee, may negotiate and enter into any contracts necessary to implement or facilitate the acceptance of credit cards or other payment devices by state agencies. The authority granted to the director pursuant to this section shall include the discretion to negotiate and agree to specific terms applicable to each state agency, including, but not limited to, the terms regarding any payment of fees to third parties for the acceptance of credit cards or other payment devices, types of payments, any limitations on amounts and limits of liabilities that would be eligible for payment by credit card or other payment device, and operational requirements. . .

The Board is currently authorized to accept payments by credit card (Visa, Mastercard, or Discover) pursuant to contract authorized per an MSA executed and approved by the Director of the Department of General Services, which includes payments of convenience fees to third parties who process credit card payments from these credit card companies (see Underlying Data). While the Board believes such state procurement processes, including the associated convenience fee set by contract, are exempt from rulemaking under Government Code section 14615.1, the Board believes this proposal is necessary to provide notice to the applicants that the credit card convenience fee charged by the credit card companies would now be paid directly by the applicant whenever BreEZe is used to submit a credit card for payment of the application. This amount would be itemized separately from the application fee in accordance with the current contract (see Underlying Data convenience fees are listed as “separate charge from the transaction amount”); itemization also ensures that the applicant is informed and can make an informed decision about submitting their applications electronically, which includes the added convenience fee. This proposal is similar to a regulation adopted by the Department of Cannabis Control (formerly “Bureau of Cannabis Control” in DCA at 4 CCR § 15015). Applicants choosing to use a paper option to submit their application would not pay a convenience fee but would be required to pay by cash, check, money order, or cashier’s check as specified, and as authorized by 31 U.S.C section 5103 and Government Code section 6157.

The Board has historically not passed along the cost for the convenience fee charged by credit card companies to the applicant using the Board’s online application process to pay the application fee. However, the Board has approved moving this cost to those who elect to use the online services system to help lessen rising costs for the Board’s Dentistry Fund, the fund from which all revenues are deposited, and costs are paid. This helps ensure that those who benefit from the service pay for it and helps avoid fee increases in the future for the general licensing population.

Adopt Introductory Sentence in 1028.4(b)

Purpose: This proposal would adopt a requirement that specifies that “A completed application for the California law and ethics examination shall include the following:”

Rationale: This is necessary to provide notice to applicants to meet the requirements for the law and ethics examination in BPC section 1632. This is also necessary to specify that a completed application is required as part of the application process and to more clearly specify the list of items needed to complete the application that follows in the paragraphs following this introduction (paragraphs (1) through (11)). The Board commonly gets questions regarding the process for applications. This explanation is necessary to help ensure that applicants fully understand what information and fees must be included in an application for the California law and ethics examination for it to be considered “complete”. This helps reduce deficiencies in the application process.

Adopt 1028.5(b)(1)

Purpose: This proposal would add a requirement to the application that the applicant submit the application for law and ethics examination fee set forth in section 1021.

Rationale: BPC section 1632(b) provides, in part, that: “Applicants shall submit this application and required fee to the board in order to take this examination.” These changes are necessary to ensure compliance with Section 1632 and adequate notice that the application for law and ethics examination fee (currently specified in CCR section 1021) is required as part of the completed application.

Adopt 1028.5(b)(2)

Purpose: The proposed additions to this subsection add requirements for contact and identifying information requested from applicants, including an applicant’s “full” legal name (Last, First, and Middle and/or Suffix), applicant’s mailing address, the applicant’s telephone number, the applicant’s e-mail address, the applicant’s Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN) and applicant’s birthdate (month, day, and year).

Rationale: As discussed above, these items are currently collected on the paper form and are proposed to be listed in a narrative format for consistent implementation of application requirements regardless of the method selected by the applicant for submission (electronic or

hard copy). These proposed additional details and information provide specificity to applicants about what information is required, provide additional details for Board staff to confirm the identity of an applicant and provide additional, and more reliable, means of contacting an applicant during the application process. This information will also help the Board communicate with applicants more effectively and accurately track all information related to the licensing application through this identifying information. For the SSN or ITIN, the Board collects that information as part of the initial licensure process as required by state law at BPC section 30.

Adopt 1028.5(b)(3)

Purpose: Adopt requirements for an applicant to disclose whether they are requesting a reasonable accommodation pursuant to subdivision (b) of Government Code section 12944. If the applicant affirmatively states they are requesting an accommodation, this proposal would require an applicant to provide medical documentation as specified.

Rationale: Government Code section 12944(b) provides, that: “It shall be unlawful for a licensing board to fail or refuse to make reasonable accommodation to an individual’s mental or physical disability or medical condition.” To meet this requirement in the Government Code and protect the integrity of the Board’s examination process, the Board proposes to require in subsection (b)(3) that an applicant disclose whether they are requesting a reasonable accommodation pursuant to subdivision (b) of Government Code section 12944. This would allow the Board to identify those applicants requesting such an accommodation and to address such a documented need in compliance with Section 12944. Subsection (b)(3) further requires an applicant requesting such an accommodation to provide medical documentation consisting of a written document with the name, license number, telephone number, date and signature of a physician confirming the existence of the applicant’s disability or medical condition as defined in Government Code section 12926 and the need for the reasonable accommodation. This is the minimum the Board believes is necessary to document the existence of a disability as defined in Government Code section 12926, and the reasonableness of the accommodation without undue burden to the applicant.

Adopt 1028.5(b)(4)

Purpose: This proposal asks the applicant whether the applicant is requesting the expediting of their application for active duty members of the U.S. Armed Forces who have been honorably discharged. If the answer is “yes,” the applicant shall provide the following documentation with the application to receive expedited review: a copy of a certificate of release from active duty (DD-214, which is the Department of Defense’s standard report of separation for members of the U.S. Armed Forces that includes the necessary information for the Board to process such

requests) or other documentary evidence showing the date and type of discharge to receive expedited review.

Rationale: This question is necessary to determine whether an applicant is applying for expedited review and processing per BPC section 115.4. To date, the Board has not received any other type of evidence in lieu of the DD-214 but includes this possibility should it be submitted in the future to help ensure that applicants have other options for demonstrating they qualify. This information is necessary to determine whether the applicant has provided satisfactory evidence that meets the requirements for expedited processing per BPC section 115.4.

Adopt 1028.4(b)(5)

Purpose: This proposal would ask the applicant whether they are an active-duty member of a regular component of the United States Armed Forces and enrolled in the United States Department of Defense's SkillBridge program as authorized under Section 1143(e) of Title 10 of the United States Code and is requesting expedited processing of their application pursuant to subdivision (b) of Section 115.4 of the Code. If the answer is "yes", the applicant shall provide with their application a copy of an official approval document or letter from their respective United States Armed Forces Service branch (Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard), signed by the applicant's first field grade commanding officer that specifies the applicant's name, the approved SkillBridge opportunity, and the specified duration of participation (i.e., start and end dates).

Rationale: This proposal is necessary to determine whether an applicant qualifies for expediting their application as required by BPC section 115.4(b) and to specify documentation to ensure verification of such status with the Department of Defense. A representative from the Department of Consumer Affairs consulted with representatives from the Department of Defense (DOD) in the development of these criteria and these revisions were made consistent with the Board's understanding of those common requirements for showing approval of such enrollees in the DOD SkillBridge partner application process across all branches of the US Armed Forces (Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard). This adoption is necessary to implement and give adequate notice of these qualifying requirements to obtain expedited review per BPC section 115.4(b).

Adopt 1028.5(b)(6)

Purpose: The proposal asks the applicant whether they already hold a current license or comparable authority to practice dentistry in another U.S. state, district or territory (all part of

the definition for “State” in BPC section 21), and whether their spouse or domestic partner is an active-duty member of the U.S. Armed Forces and is assigned to a duty station in California under official active-duty orders. If the applicant answers yes, the proposal provides that their application will receive an expedited review, per BPC section 115.5 (the Board has no authority to waive the examination fee, only the initial application fee covered in CCR section 1028 and the initial license fee covered in CCR section 1028.4) , if specified documentation is provided. The specified documentation to support the request includes: (1) a certificate of marriage or certified declaration/registration of domestic partnership filed with the Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces; (2) a copy of the applicant’s current license to practice dentistry in another state, district, or territory of the United States; and, (3) a copy of the military orders establishing their spouse or partner’s duty station in California.

Rationale: The question is necessary to determine whether an applicant meets the requirements for expedited review and processing under BPC section 115.5. These documents are necessary to verify and ensure the applicant meets the statutory requirements for expediting the licensure process by requesting official government documents, licenses and military records to substantiate the information provided to the Board. To date, the Board has not received any other type of evidence in lieu of a certificate of marriage or certified declaration/registration of domestic partnership but includes this possibility of “other documentary evidence” should it be submitted in the future to help ensure that applicants have other options for demonstrating they qualify.

Adopt 1028.5(b)(7) and (b)(8)

Purpose: This proposal asks the applicant in subsection (b)(7) to indicate whether: (1) the applicant was admitted to the United States as a refugee pursuant to section 1157 of Title 8 of the United States Code; or (2) the applicant was granted asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to section 1158 of Title 8 of the United States Code; or, (3) the applicant has a special immigrant visa and was granted a status pursuant to section 1244 of the Public Law 110-181, Public Law 109-163, or section 602(b) of Title VI of division F of Public Law 111-8 [relating to Iraqi and Afghan translators/interpreters of those who worked for or on behalf of the United States government].

If the applicant answers yes, in subsection (b)(8), the Board requests they provide official documents commonly issued by federal agencies or the courts for the categories of individuals listed in section 135.4 as evidence of their status as a refugee, asylee, or special immigrant visa holder which includes:

- Form I-94, arrival/departure record, with an admission class code such as “re” (refugee) or “ay” (asylee) or other information designating the person a refugee or asylee.
- Special immigrant visa that includes the “si” or “sq.”
- A permanent resident card (Form I-551), commonly known as a “green card,” with a category designation indicating that the person was admitted as a refugee or asylee.
- An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Board that the applicant qualifies for expedited licensure per BPC section 135.4.

Rationale: These questions are necessary to determine whether the applicant qualifies for expediting of the law and ethics examination application for refugees, asylees, and holders of special immigrant visas as required by BPC section 135.4(a)’s criteria for expediting these types of applications for the initial licensure process.

These documents are necessary to verify and ensure the applicant meets the statutory requirements for expediting the initial application process. Copies of official government documents will help ensure the accuracy of the information provided by the applicants to the Board.

Adopt 1028.5(b)(9), and (b)(9)(A) and (B)

Purpose: Add a new requirement for submission of a document containing an acceptable certification meeting the requirements of this paragraph from the Dean of the qualifying dental school attended by the applicant to certify the date the applicant graduated or is expected to graduate. As noted previously, this requirement would be moved from the existing paper application into this new subsection within the CCR into a narrative format with a list intended to capture all elements of what the Board considers an “acceptable certification.” An acceptable certification would include:

1. the name of the dental school,
2. the date the applicant first enrolled in the school's educational program,
3. the applicant’s years of attendance,
4. the date the applicant completed the clinical and didactic requirements of the educational program,
5. the type of degree granted to the applicant by the dentist school or the date the applicant is expected to graduate and receive their degree,

6. a statement signed and dated by the Dean of the dental school saying that they hereby certify that the information provided the certification is true and correct; and,
7. the seal of the dental school.

In addition, this proposal would add specifics regarding how to submit these verifications to the Board (by mail or email).

Rationale: BPC section 1632(b), in part, provides:

The board shall require each applicant to successfully complete an examination in California law and ethics developed and administered by the board. The board shall provide a separate application for this examination. . . . Applicants shall submit this application and required fee to the board in order to take this examination. In addition to the aforementioned application, the only other requirement for taking this examination shall be certification from the dean of the qualifying dental school or the dean's delegate attended by the applicant that the applicant has graduated, or will graduate, or is expected to graduate.

While Section 1632(b) provides the requirement for the above-noted certification from the dean, it does not specify the acceptable elements of the certification. This proposal would move what has been historically accepted by the Board as satisfactory proof on its existing paper "Application for Law and Ethics Examination" form to this new subsection in the CCR to be included in the narrative list for this application requirement. These requirements ensure that the Board obtains verification of the applicant's status directly from the dental school to ensure accuracy and prevent fraud in the application process. A dean's declaration (certification), signed and dated by the dean and stating that they certify the information provided is true and correct helps the Board verify the authenticity of the applicant's representation that they have met the requirements for graduating (or expected date for graduating) from an approved dental school as required by BPC section 1632(b) ("approved dental colleges" are defined in BPC section 1628). Further, in the Board's experience and consistent with similar requirements in the current form, these requirements allow the Board sufficient information to confirm and investigate the applicant's status with the qualifying dental school and that they have met the requirements for examination in BPC section 1632(b). Providing specific directions in subparagraph (B) of subsection (b)(9) about acceptable methods of submission helps ensure more effective receipt of this information, resulting in less application deficiencies and fewer delays for the applicants.

Adopt 1028.5(b)(10)

Purpose: Civil Code section 1798.17 requires each state agency to provide on or with any form used to collect personal information from individuals the notice specified in that section. Beginning with the header “Information Collection and Access”, the proposal would include the required notices and disclosures to the applicant for the Board’s collection of personal information in compliance with Civil Code section 1798.17 whenever any optional paper application (convenience form) is provided by the Board or if an electronic application is submitted through the Board’s online services system (BreEZe). To ensure that the applicant receives effective notice of the Board’s personal information collection practices, the proposal includes a requirement that the applicant submit a written statement, signed and dated by the applicant, that they have read the notice as specified. It would further require that the notice be submitted to the applicant to review prior to requiring any submission of the signed statement of acknowledgement that they have read the notice to ensure that applicants receive advance notice and can make an informed decision about proceeding with the application process prior to signing the statement.

Rationale: Individuals electing to use a paper submission method often request paper “convenience forms” to file applications while most other applicants request information on how to use the Board’s online services system, which the Board considers an “electronic application form.” As a result, the Board has prepared notices of the Board’s personal information collection practices in compliance with Civil Code section 1798.17. The Notice contains the following disclosures:

All items in this application are mandatory.

Failure to provide any of the requested information to the Dental Board of California (Board) will delay the processing of your application and will result in the application being rejected as incomplete.

The information provided will be used to determine compliance with California Business and Professions Code (BPC) sections 1628, 1629 and 1632 and California Code of Regulations, title 16, section 1028.5, which authorizes the collection of this information.

This statement is necessary to provide notice to the applicant that all items requested on the application must be submitted to the Board or processing will be delayed, and the application will be rejected as incomplete. The notice instructs the applicant that the information requested

is mandatory. This helps to ensure the applicant completes the application, resulting in fewer processing delays. This information is also required to be provided to affected individuals in accordance with Civil Code section 1798.17, subdivisions (a), (c), (d), and (e).

In addition, the Notice contains information regarding when information may be transferred to other governmental for law enforcement agencies, the requirements for disclosure and uses of their Social Security number and the authorizing state and federal laws, the right of an applicant to review their application and their files and related limitations on that access by law, disclosure of instances where information on the application may be disclosed to a member of the public (excluding SSN or ITIN exempted per BPC section 30 and including addresses of record per BPC section 27), and information regarding the Board official responsible for maintaining the information (Executive Officer) and related contact information.

These statements are necessary to notify the applicant that the information they provide may be provided to other governmental agencies and the circumstances under which disclosures may be made. These statements are also necessary to comply with the Section 1798.17 of the Civil Code which requires the Board to notify the applicant of the uses of their personal information, as well as provide other disclosures in accordance with Civil Code section 1798.17, subdivisions (b), (f), (g) and (h).

Adopt 1028.5(b)(11)

Purpose: Under proposed subsection (b)(11), the application would require individuals to sign and date the application and certify under penalty of perjury that the information on or with the application is true and correct. The Board relies upon applicants' self-reported information in evaluating applications or other forms submitted for processing by the Board. This requirement helps ensure that the representations on the form are accurate, truthful and made in good faith. As noted previously, these requirements are necessary to conform the Board's certification statement to the requirements in Code of Civil Procedure section 2015.5. In addition, the certification under penalty of perjury helps ensure the reliability of the statements to the Board (since certifying under penalty of perjury can have a deterrent effect on those who may be considering not providing true, accurate or complete information), and provides the Board with the option of seeking sanctions and referring the matter to law enforcement in the event that such information is not true, complete or accurate. ["The oath or declaration must be in such form that criminal sanctions of perjury might apply where material facts so declared to be true, are in fact not true or are not known to be true." *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [holding modified by *Laborde v. Aronson* (2001) 92 Cal.App.4th 459.]

Amend § 1030. Theory Examination.

Purpose: Repeal the existing requirement for submission of confirmation of successful completion of the National Board of Dental Examinations, as specified, (which currently reads in CCR 1030: “prior to submission of the “Application for Issuance of License Number and Registration of Place Of Practice,” (Rev. 11/07)) That timing requirement would be replaced with a new requirement that submission occurs “within year from the date of submission of the application in section 1028 in compliance with this section.”

This proposal would further require submission of “proof of successful completion” using one of two methods: (A) submission of an original scorecard by mail with postage prepaid or by hand delivery to the Board office at the address listed on the Board's website and issued by the Joint Commission on National Dental Examinations containing specified content; or, (B) accessing the Joint Commission's website and following instructions required by the Joint Commission to authorize the electronic release and e-mail of the applicant score directly to the board to a specified e-mail address (DentalBoard@dca.ca.gov). The confirming e-mail from the Joint Commission would need to contain the following to confirm the applicant's score:

- (A) first and last name of the applicant,
- (B) the name of the examination taken,
- (C) the applicant's birth date,
- (D) the applicant's exam date,
- (E) the applicant's score result; and,
- (F) whether the applicant passed or failed the examination.

Rationale: BPC section 1632(a) mandates that the Board require each applicant for a license to practice dentistry to successfully complete the written examination of the National Board Dental Examination of the Joint Commission on National Dental Examinations (NBDE). This requirement is currently an existing application requirement in CCR section 1028(b)(2) and must therefore be completed prior to licensure. However, current regulations do not provide a specific timeframe for submission of proof of their successful passage of these required licensing examinations to ensure completion of the requirements, ensure currency of knowledge and to notify applicants when the Board may consider it an application deficiency. Further, existing regulations do not specifically address those circumstances where the applicant has not successfully passed all of the NBDE exams(s) (there were two parts to the

exam prior to August 1, 2020 – see Underlying Data) within a prescribed period of time. As a result, there is no guidance to applicants regarding when their applications in CCR 1028 might be deemed deficient for failing to successfully pass the NBDE exams. To address this ambiguity, the Board proposes to adopt a standard that requires applicants to submit proof of successful completion of the NBDE exam(s) within one year from the date of submission of the application in CCR section 1028, which, in the Board’s experience is a reasonable amount of time to furnish satisfactory proof.

In addition, existing regulations do not specify what proof the Board requires to demonstrate that an applicant has successfully completed the NBDE exam(s). As a result, a definition for “submit proof of successful completion” is needed to avoid confusion for applicants since the terms are susceptible to more than one interpretation. In addition, such a definition helps ensure that the applicant provides the requisite documentary “proof” needed to establish passage of the examination(s) consistent with the requirements of the Joint Commission, who administers this national exam. The Joint Commission has historically provided either an original score card containing the information specified in this section (this method has been discontinued since 2012 but the Board still accepts applicants with proof of passage prior to this time since there is no statutory authority to time-bar applicants who passed prior versions of this exam); or, as is current practice, require an applicant to access their website to authorize release of their pass/fail result electronically and by email directly to this Board and containing the above-noted content. As a result, this definition is needed to accurately reflect the process for obtaining and submitting documents that are issued by the Joint Commission evidencing successful completion and the type of “proof” to be furnished to the Board to meet this requirement.

Repeal of Regulatory Section Related to the Portfolio Examination at CCR sections 1032, 1032.1, 1032.2, 1032.3, 1032.4, 1032.5, 1032.6, 1032.7, 1032.8, 1032.9, 1032.10, 1033.1, 1034, and 1036.01.

Purpose: This proposal would repeal all titles and text in the above-noted sections related to the Portfolio examination previously authorized at BPC section 1632. This would include repeal of the following regulatory titles and text (with incorporated forms noted below) that set standards for:

- (1) Portfolio examination: eligibility (CCR § 1032),
- (2) Portfolio examination: definitions (CCR § 1032.1),
- (3) Portfolio examination: requirements for demonstration of clinical experience and the incorporated form "Portfolio Examination Certification of Clinical Experience Completion" Form 33A-23P (New 08/13) (CCR § 1032.2),
- (4) Portfolio examination: oral diagnosis and treatment planning (ODTP) and the incorporated form "Portfolio Examination Certification of Clinical Experience Completion" Form 33A-23P (New 08/13) (CCR § 1032.3),
- (5) Portfolio examination: direct restoration and the incorporated form "Portfolio Examination Certification of Clinical Experience Completion" Form 33A-23P (New 08/13) (CCR § 1032.4),
- (6) Portfolio examination: indirect restoration and the incorporated form "Portfolio Examination Certification of Clinical Experience Completion" Form 33A-23P (New 08/13) (CCR § 1032.5),
- (7) Portfolio examination: removable prosthodontics and the incorporated form "Portfolio Examination Certification of Clinical Experience Completion" Form 33A-23P (New 08/13) (CCR § 1032.6),
- (8) Portfolio examination: endodontics and the incorporated form "Portfolio Examination Certification of Clinical Experience Completion" Form 33A-23P (New 08/13) (CCR § 1032.7),
- (9) Portfolio examination: periodontics and the incorporated form "Portfolio Examination Certification of Clinical Experience Completion" Form 33A-23P (New 08/13) (CCR § 1032.8),
- (10) Portfolio examination: competency examiner qualifications (CCR § 1032.9),
- (11) Portfolio examination: competency examiner training requirements (CCR § 1032.10),
- (12) General procedures and policies for Portfolio examination (CCR § 1033.1),
- (13) Portfolio competency examination grading (CCR § 1034), and,
- (14) Remedial education: Portfolio competency examinations and the form incorporated by reference "Certification of Successful Completion of Remedial Education for Portfolio Competency Re-Examination requirements for re-examination Eligibility" (Form New 08/13) (CCR § 1036.01).

Rationale: As noted previously, these sections and associated forms are being repealed as obsolete and no longer necessary since the Portfolio pathway to licensure in prior BPC section 1632(c)(2) was repealed by SB 1453 effective January 1, 2025.

Amend § 1035. Examination Review Procedures; Appeals.

Amend 1035(a)

Purpose: To strike the “n” after “An” for grammatical reasons and add the words “administered pursuant to subdivision (b) of Section 1632 of the Code” after the word “examination.” This proposal would also strike “he/she is” and replace these references with a gender neutral pronoun and a corresponding verb, “they were.”

Rationale: Although applicants for a dental license must demonstrate successful completion of national exams (at BPC sections 1628 and 1632), the Board only administers the supplemental California law and ethics examination as specified in BPC section 1632(b) for licensure to practice dentistry. Therefore, the Board only has authority to set standards for that examination’s review and appeal procedures. To avoid applicant confusion, the Board proposes to add the words “administered pursuant to subdivision (b) of Section 1632 of the Code” after “examination”, which refers to the Board’s California law and ethics examination requirement.

Assembly Concurrent Resolution No. 260 of 2018 resolved that “state agencies should ... use gender-neutral pronouns and avoid the use of gendered pronouns when drafting policies, regulations, and other guidance.” This proposal would replace gendered pronouns with gender neutral nouns and correct grammar consistent with this State policy objective.

Amend 1035(b)

Purpose: Strike references to gendered pronouns “his/her” and replace it with “their and capitalize the “b” in “Board” consistent with the short form reference in CCR section 1000(c). This proposal would also strike the 60-day timeframe for appealing the Board’s determination of areas of deficiency and for an exam candidate to make a claim of an error made during the course of their examination and grading to “fifteen (15)” days following the receipt of their examination results.

Rationale: The Board proposes to make changes to gender neutral pronouns for the reasons specified in the rationale above for subsection (a).

For the amendment to reduce the timeframe for appeal from 60 days to 15 days, in the Board's experience with processing existing appeals made under this section for a computer-based examination, complaints alleging such errors are usually made relatively quickly after results are received. This occurs since, unlike prior exams upon which this regulation is based, results are usually provided nearly instantaneously to the candidate and candidates usually file their appeals within a shorter time frame (15 days). Evidence also tends to be much easier to document and analyze than when this regulation was first adopted as most of the errors relate to computer malfunction issues and the evidence is easier to review and validate closer in time to when events occurred. As a result, the Board has determined that 15 days is a sufficient time frame for the preparation and filing of such requests for appeal. This change is consistent with other examinations that the Board prepares and administers (see CCR section 1080.3 for Dental Assisting Examinations Procedures and Appeals).

Add new subsection (c) numbering and make other amendments to existing third paragraph

Purpose: To make a grammatical change to strike "Such" and replace it with "the" before the word "appeal" and add the words "provided in subsection (b)" to avoid ambiguity and provide greater understanding of what specific appeal is being referenced in this subsection. The proposal would also capitalize the "b" in "Board" in accordance with CCR section 1000(c) and add "s designee" for grammatical reasons and to specify the individual responsible for responding to the written appeal.

Rationale: The word "designee" is being added to delegate the Board's authority to the staff of the Board who would be responsible for exam administration oversight on behalf of the Board and would be able to most quickly implement the policy of the Board to make these decisions to enable candidates to make informed decisions about whether to further appeal the decision or re-take the exam. This is necessary to avoid unnecessary delay in the appeal review process while still retaining the Board's and examinee's ability to have an informal review option for resolving disputes. Reducing the window of opportunity to file an appeal reduces the total time for the appeals process and makes it easier for the Board to resolve the matter in a timely manner.

Repeal existing subsection (c)

Purpose: To repeal the following reference to Portfolio examination procedures: "(c) This section shall not apply to the portfolio examination of a candidate's competence to enter the practice of dentistry."

Rationale: As noted previously, these sections and associated forms are being repealed as obsolete and no longer necessary since the Portfolio pathway to licensure in prior BPC section 1632(c)(2) was repealed by SB 1453 effective January 1, 2025.

The note for this section also strikes in the “Reference” section an incorrect “-“ between 1630 and 1632 and adds an “and” to more accurately identify the correct sections being implemented by this regulatory section.

Underlying Data

- D.1.a. Underlying Data November 8-9, 2023, Board Meeting Agenda
- D.1.b. Underlying Data November 8-9, 2023, Relevant Board Meeting Materials
- D.1.c. Underlying Data November 8-9, 2023, Board Meeting Minutes
- D.2. Underlying Data Bill Text Senate Bill 1453 (Stats. 2024, ch. 483)
- D.3.a. Underlying Data February 6-7, 2025, Board Meeting Agenda
- D.3.b. Underlying Data February 6-7, 2025, Relevant Board Meeting Materials
- D.3.c. Underlying Data February 6-7, 2025, Board Meeting Minutes
- D.4. Standard Agreement STD 213 and Exhibits for Master Service Agreement No. 5-22-70-22-01, Department of General Services and Elavon, Inc., dated June 1, 2022.
- D.5. Standard Agreement STD 213A, Agreement No. 0000000000000082752, Department of Consumer Affairs, Office of Administrative Services and Elavon, Inc., dated 3/13/25.
- D.6. The California Department of Justice’s website guidance document entitled “Fingerprint Background Checks” (also available at <https://www.oag.ca.gov/fingerprints>)
- D.7. The California Department of Justice’s website guidance document entitled “Applicant Agencies” (also available at: <https://oag.ca.gov/fingerprints/agencies>)
- D.8. Website article from the Joint Commission on National Dental Examinations “Information about the INBDE”, Updated July 2019.
- D.9. Tables entitled “Dental Board of California Licensure By Examination (CCR 1021(a)) Licensing Workload” (Table 1: Costs -Paper Based and Table 2: Costs -Online)
- D.10. Tables entitled “Dental Board of California Licensure By Examination (CCR 1021(a)(c)) Law & Ethics Examination App Workload” (Table 1: Costs -Paper Based and Table 2: Costs -Online)
- D.11. Agenda, Relevant Meeting Materials and Minutes from the Board’s August 14, 2025 Board Meeting

- D.12. Website article from the United States Bureau of Labor Statistics—Occupational Employment and Wages, May 2023 (also available at: <https://www.bls.gov/oes/2023/may/oes291021.htm>)
- D.13. Underlying Data May 13-14, 2026, Board Meeting Agenda, Relevant Board Meeting Materials and Board Meeting Minutes

Fiscal Impact:

The regulations do not result in additional workload costs because the Board is currently completing the application workload. However, the Board does project costs (savings) and revenues as follows:

Costs (savings): The Board estimates costs (savings) related to credit card convenience fees ranging from approximately \$21,000 to \$27,000 per year and up to \$234,000 over a ten-year period as follows:

Dental Board of California												
Credit Card Convenience Fees - Fiscal Impact (Costs Savings)												
Fee Type	Increase Amount	Apps Per Year	Years Ongoing									
			1	2	3	4	5	6	7	8	9	10
WREB ¹ Credit Card Convenience Fee	\$11	Various	10	-	-	-	-	-	-	-	-	-
		Sub-total:	\$110	-	-	-	-	-	-	-	-	-
ADEX ² Credit Card Convenience Fee	\$11	Various	1,353	1,394	1,436	1,479	1,523	1,568	1,615	1,663	1,712	1,763
		Sub-total:	\$14,883	\$15,334	\$15,796	\$16,269	\$16,753	\$17,248	\$17,765	\$18,293	\$18,832	\$19,393
Law & Ethics Exam Credit Card Convenience Fee	\$4	Various	1,400	1,442	1,485	1,530	1,535	1,581	1,628	1,677	1,727	1,779
		Sub-total:	\$5,600	\$5,768	\$5,940	\$6,120	\$6,140	\$6,324	\$6,512	\$6,708	\$6,908	\$7,116
Total Costs (savings):			\$20,593	\$21,102	\$21,736	\$22,389	\$22,893	\$23,572	\$24,277	\$25,001	\$25,740	\$26,509
												\$233,812

¹WREB - Western Regional Examining Board

²ADEX - American Board of Dental Examiners

Revenues: The Board estimates additional revenues ranging from approximately \$200,000 to \$257,000 per year and up to \$2.3 million over a ten-year period as follows:

Dental Board of California												
Application Fees - Fiscal Impact (Revenues)												
Fee Type	Increase Amount	Apps Per Year	Years Ongoing									
			1	2	3	4	5	6	7	8	9	10
Initial Application WREB ¹	\$90	Various	10	-	-	-	-	-	-	-	-	-
		Sub-total:	\$900	-	-	-	-	-	-	-	-	-
Initial Application ADEX ²	\$90	Various	1,353	1,394	1,436	1,479	1,523	1,568	1,615	1,663	1,712	1,763
		Sub-total:	\$121,770	\$125,460	\$129,240	\$133,110	\$137,070	\$141,120	\$145,350	\$149,670	\$154,080	\$158,670
Law & Ethics Exam Application	\$55	Various	1,400	1,442	1,485	1,530	1,535	1,581	1,628	1,677	1,727	1,779
		Sub-total:	\$77,000	\$79,310	\$81,675	\$84,150	\$84,425	\$86,955	\$89,540	\$92,235	\$94,985	\$97,845
Total Revenues:			\$199,670	\$204,770	\$210,915	\$217,260	\$221,495	\$228,075	\$234,890	\$241,905	\$249,065	\$256,515
												\$2,264,560

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

Business Impact:

The regulations may have an economic impact on businesses, specifically individuals applying for licensure with the Board. This determination is based upon the following facts. The regulations would increase application fees charged to applicants by minimal amounts of \$90 and \$55. Additionally, applicants opting to pay fees with a credit card through the Board's website will be charged a 2.3 percent processing fee per transaction.

The cost impact to business, including the credit card processing fee, is estimated as follows:

Dental Board of California Application Fees					
Fee Type	Current Fee	Current CC Fee³	Proposed Fee	2.3% CC Fee³	Increase Amount
Initial Application WREB ¹	\$400	-	\$490	\$11	\$101
Initial Application ADEX ²	\$400	-	\$490	\$11	\$101
Law & Ethics Exam Application	\$125	-	\$180	\$4	\$59

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³CC Fee - Credit Card Transaction Fee

While the regulation has an economic impact, the Board has made the 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, because the fee increases are considered to be minor compared to the income of most applicants and licensees.

Economic Impact Assessment:

This regulatory proposal will have the following effects:

- It will not result in the creation of new jobs or elimination of jobs within the State of California because the proposed fees are anticipated to have minimal impact on businesses since the incremental fee increase is negligible compared to the revenue businesses generate by providing dental services.
- It will not result in the creation of new businesses or elimination of businesses

within the state of California because the proposed fees are anticipated to have minimal impact on businesses since the incremental fee increase is negligible compared to the revenue businesses generate by providing dental services.

- It will not affect the expansion of businesses currently doing business within the State of California because the proposed fees are anticipated to have minimal impact on businesses since the incremental fee increase is negligible compared to the revenue businesses generate by providing dental services.
- It will benefit the health and welfare of California residents because the proposal will increase the Board's revenue and funding available to continue the Board's enforcement, investigative, licensing, and examination operations without interruption.
- This regulatory proposal does not affect worker safety or the environment because the regulatory proposal focuses on an increase in fee schedules to help reduce the Board's current structural imbalance and does not affect worker safety or the state's environment.

The regulations are estimated to result in total additional costs ranging from approximately \$220,000 to 283,000 per year and up to \$2.5 million over a ten-year period as follows:

Dental Board of California Application Fees - Economic Impact (Costs)													
Fee Type	Increase Amount	Apps Per Year	Years Ongoing										
			1	2	3	4	5	6	7	8	9	10	Total
Initial Application WREB ¹	\$90	Various	10	-	-	-	-	-	-	-	-	-	10
2.3% Credit Card Processing Fee	\$11												
		Sub-total:	\$1,010	-	-	-	-	-	-	-	-	-	\$1,010
Initial Application ADEX ²	\$90	Various	1,353	1,394	1,436	1,479	1,523	1,568	1,615	1,663	1,712	1,763	15,506
2.3% Credit Card Processing Fee	\$11												
		Sub-total:	\$136,653	\$140,794	\$145,036	\$149,379	\$153,823	\$158,368	\$163,115	\$167,963	\$172,912	\$178,063	\$1,566,106
Law & Ethics Exam Application	\$55	Various	1,400	1,442	1,485	1,530	1,535	1,581	1,628	1,677	1,727	1,779	15,784
2.3% Credit Card Processing Fee	\$4												
		Sub-total:	\$82,600	\$85,078	\$87,615	\$90,270	\$90,565	\$93,279	\$96,052	\$98,943	\$101,893	\$104,961	\$931,256
Total Costs:			\$220,263	\$225,872	\$232,651	\$239,649	\$244,388	\$251,647	\$259,167	\$266,906	\$274,805	\$283,024	\$2,498,372

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Specific Technologies or Equipment:

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

Consideration of Alternatives:

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 that ensures full compliance with the law being implemented or made specific.

No such alternatives have been proposed, however, the Board welcomes comments from the public.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:

No such alternatives have been proposed, however, the Board welcomes comments from the public.