

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

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:

APPLICATIONS FOR DENTIST LICENSURE AND FEES

NOTICE IS HEREBY GIVEN that the Dental Board of California (Board) is proposing to take the action described in the “Informative Digest/Policy Statement Overview” section listed below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. The Board will, however, hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to any of the individuals listed under “Contact Persons” in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Persons” in this Notice, must be **received** by the Board at its office no later than by **Monday, August 31, 2026** or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE:

Pursuant to the authority vested by Business and Professions Code (BPC) sections 1614, 1635.5, 1635.5, 1634.2(c), 1724 and 1724.5 and to implement, interpret or make specific BPC sections 30, 31, 114.5, 115.4, 115.5, 135.4, 144, 480, 494.5, 1625.5, 1628, 1628.5, 1629, 1630, 1632, 1634.1, 1638, 1638.1, 1638.3, 1640, 1640.3, 1646.2, 1646.6, 1647.3, 1647.8, 1647.20, 1647.23, 1647.32, 1647.33, 1650, 1650.1, 1715, 1716.1, 1718.3, 1724, and 1724.5, Civil Code sections 1633.2, 1633.7 and 1798.17 and Government Code sections 16.5, 6157 and 6162, the Board is considering making changes to Division 10 of Title 16 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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.

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 and not ADEX. 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 changes:

(1) elimination of all references in regulations to the Portfolio examination, including the application form and 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 fee for dentist licensure applicants from \$125 to \$180 in CCR section 1021.

(4) the addition of the word “nonrefundable” to the introductory sentence of the Board’s fee schedule in CCR section 1021.

(5) 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 in a narrative form to allow for electronic or paper application submission options and add the ADEX pathway, as specified.

(6) 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 for submission and payment of application fees without a convenience fee, as specified.

(7) 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 Western Regional Examining Board’s examination or 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 within five years prior to the date of their application, the WREB or 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)(1) or (2), as applicable;

(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 and eligibility letter, as applicable, to the applicant that includes confirmation

of receipt and lists their file number.

(8) 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.

(9) 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 PROPOSED REGULATIONS:

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents:

The proposed regulations would update the application process for dentist licensure and the applicable examination requirements to reflect recent changes in dental examinations. The 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.

This regulatory proposal does not affect worker safety or the state’s environment.

EVALUATION OF CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that these proposed regulations are neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

With this action, the Board proposes to repeal the following forms that are currently incorporated by reference:

1. "Application for Licensure to Practice Dentistry" (WREB) Form 33A22W (Revised 11/06)
2. "Application for Determination of Licensure Eligibility (Portfolio)" Form 33A-22P (New 11/2014)
3. "Application for Issuance of License Number and Registration of Place of Practice," (Rev. 02-07)
4. "Application for Law and Ethics Examination" (Rev. 12/07)
5. "Certification of Successful Completion of Remedial Education for Portfolio Competency Re-Examination requirements for re-examination Eligibility" (Form New 08/13)

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES:

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The regulations do not result in additional workload or 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.

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.

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

Please see the Initial Statement of Reasons for further detail.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Significant Effect on Housing Costs: None

Business Impact Estimates:

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:

- Initial Application WREB: Increased from \$400 to \$490
 - (Plus \$11 credit card processing fee)
- Initial Application ADEX: Increased from \$400 to \$490
 - (Plus \$11 credit card processing fee)
- Law & Ethics Exam Application: Increased from \$125 to \$180
 - (Plus \$4 credit card processing 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.

Cost Impact on Representative Private Person or Business:

The Board has determined that the following individuals and businesses may be affected by the proposed changes to the Board's initial application and the application for the law and ethics examination fees.

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 individual or business, including the credit card processing fee, is estimated as follows:

- Initial Application WREB: Increased from \$400 to \$490
 - (Plus \$11 credit card processing fee)
- Initial Application ADEX: Increased from \$400 to \$490
 - (Plus \$11 credit card processing fee)
- Law & Ethics Exam Application: Increased from \$135 to \$180
 - (Plus \$4 credit card processing fee)

Please see the Initial Statement of Reasons for further detail.

EFFECT ON SMALL BUSINESS:

While the Board does not have, nor does it maintain, data to determine if any of its licensees (dentists) are a "small business," as defined in Government Code section 11342.610, the Board has made an initial determination that the proposed regulatory action will not have a significant impact of small businesses because the cost increases of \$59 to \$101 are minimal for licensees.

Although the proposed regulation will directly affect individual applicants statewide, which may include potential small business owners applying to become licensed dentists, the Board does not anticipate any adverse economic impact to small businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on the following:

- 1) the creation or elimination of jobs within the State of California
- 2) the creation of new businesses or the elimination of existing businesses within the state
- 3) the expansion of businesses currently doing business within the state

This proposal would not have any of the above-referenced impacts as explained in the "Business Impact Estimates" benefits section of this notice.

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents:

The proposed regulations would update the application process for dentist licensure and the applicable examination requirements to reflect recent changes in dental examinations. The 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.

This regulatory proposal will have no impact on worker safety because it does not involve worker safety. This regulatory proposal will have no impact on the state's environment because it is not relevant to the state's environment. This proposal relates to standards for qualified dentists seeking licensure in California.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Board.

CONSIDERATION OF ALTERNATIVES:

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in

implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 2005 Evergreen Street, Suite 1550, Sacramento, California 95815 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE:

The Board has compiled a record for this regulatory action, which includes an initial statement of the reasons (ISOR) for the proposed action, proposed regulatory text, and has available all the information upon which the proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL:

Copies of the exact language of the proposed regulations, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 2005 Evergreen Street, Suite 1550, Sacramento, California 95815 or by accessing the Board's website at https://www.dbc.ca.gov/about_us/lawsregs/proposed_regulations.shtml.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described in this notice, or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the persons named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the Contact Persons named below or by accessing the

website listed below.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Brant Nelson, Staff Services Manager I
Dental Board of California
Address: 2005 Evergreen Street, Suite 1550
Sacramento, CA 95815
Telephone No.: (916) 263-0919
Fax No.: (916) 263-2140
E-Mail Address Brant.Nelson@dca.ca.gov

The backup contact person is:

Name: Christy Bell, Assistant Executive Officer
Dental Board of California
Address: 2005 Evergreen Street, Suite 1550
Sacramento, CA 95815
Telephone No.: (916) 263-2187
Fax No.: (916) 263-2140
E-Mail Address: Christy.Bell@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board's website at: https://www.dbc.ca.gov/about_us/lawsregs/proposed_regulations.shtml