

**State of California
Office of Administrative Law**

In re:
Dental Board of California

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections: 1006

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2024-0119-02

OAL Matter Type: Regular (S)

This action interprets and makes specific requirements enacted by Assembly Bill 107 (Stats. 2021, ch. 693) which requires all boards within the Department of Consumer Affairs to issue temporary licenses to the spouses or partners of active duty members of the Armed Forces assigned to a duty station in California when specific additional requirements are met.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2024.

Date: March 1, 2024



Anna Thomas
Attorney

**For: Kenneth J. Pogue
Director**

**Original: Tracy Montez, Executive Officer
Copy: David Bruggeman**

NOTICE PUBLICATION/REGULATORY ACTION SUBMISSION

STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2023-0718-03	REGULATORY ACTION NUMBER 2024-0119-025	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

OFFICE OF ADMINISTRATIVE LAW

Electronic Submission

RECEIVED DATE

07/18/2023

PUBLICATION DATE

07/28/2023

OFFICE OF ADMIN. LAW
2024 JAN 19 PM4:47

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Department of Consumer Affairs - Dental Board of California

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

MAR 01 2024

1:35 PM

AGENCY FILE NUMBER (If any)

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

1. SUBJECT OF NOTICE Temp. Licenses - Military Spouses or Partners		TITLE(S) 16	FIRST SECTION AFFECTED 1006	2. REQUESTED PUBLICATION DATE July 28, 2023
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Lawrence Bruggeman	TELEPHONE NUMBER (916)263-2027	FAX NUMBER (Optional) (916)263-2140
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2023, 30-2	PUBLICATION DATE 7/28/23

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Temporary Licenses - Military Spouses or Partners	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 1006
	AMEND
	REPEAL
TITLE(S) 16	

3. TYPE OF FILING

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

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

Availability of Modified Text, November 17 through December 3, 2023

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

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

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

7. CONTACT PERSON David Bruggeman	TELEPHONE NUMBER 916-263-2027	FAX NUMBER (Optional) 916-263-2140	E-MAIL ADDRESS (Optional) lawrence.bruggeman@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Tracy A. Montez

DATE

Dec 13, 2023

TYPED NAME AND TITLE OF SIGNATORY

Tracy A. Montez, Ph.D., Executive Officer

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 01 2024

Office of Administrative Law

TITLE 16. DENTAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
AB 107: Temporary Licenses for Military Spouses or Partners
ORDER OF ADOPTION

Adopt Section 1006 of Article 1 of Chapter 1 of Division 10 of Title 16 of the California Code of Regulations to read as follows:

Section 1006. Temporary Licenses for Military Spouses or Partners.

(a) Definitions. For the purposes of this section, the following definitions shall apply:

(1) "License" shall include any license, permit, or other comparable authority issued by the Board or an original licensing jurisdiction to practice dentistry, practice under an affiliated permit, or provide dental supportive procedures as a dental auxiliary.

(2) "Disciplined" means that the applicant's license has been placed on probation, revoked, suspended, reprovved, censured, reprimanded, restricted, limited, or conditioned.

(3) "Jurisdiction" shall mean a state, district, or territory of the United States, or another country.

(4) "Disciplinary proceeding" shall mean any proceeding or investigation under the authority of the licensing jurisdiction pursuant to which licensee discipline may be imposed on the applicant.

(5) "Provide dental supportive procedures as a dental auxiliary" shall mean providing the services within the scope of practice of a registered dental assistant, registered dental assistant in extended functions, orthodontic assistant, or dental sedation assistant as defined in Sections 1750.3, 1750.5, 1752.4, 1753.5, 1753.55, 1753.6, and of the Code, as applicable, and sections 1086 and 1087 of this Division, as applicable.

(6) "Good standing" shall mean that the applicant has not been disciplined, is not the subject of an unresolved complaint or review procedure, and is not the subject of any unresolved disciplinary proceeding.

(7) "Original licensing jurisdiction" shall mean the jurisdiction agency or board that issued a license to the applicant authorizing the applicant to practice within the

same scope of practice for which the applicant seeks a temporary license from the Board.

(8) "Affiliated permit" shall mean any permit or endorsement associated with either a dentist license or physician and surgeon license, as applicable, and issued by the Board to practice as an elective facial cosmetic surgeon, oral and maxillofacial surgeon, or to administer general anesthesia or moderate sedation to an adult and/or pediatric patient, oral conscious sedation for adult patients, or pediatric minimal sedation as specified in Sections 1638, 1638.1, 1646, 1646.1, 1646.2, 1646.9, 1647.1, 1647.2, 1647.3, 1647.18, 1647.19, 1647.30 and 1647.31 of the Code.

(9) "Successfully complete" shall mean that an applicant has achieved a criterion-referenced passing score as defined in Section 1031.

(b) Application and Eligibility Requirements. An applicant seeking a temporary license pursuant to section 115.6 of the Code shall submit a completed application to the Board and meet all of the requirements of this section and section 115.6 of the Code to be eligible for a temporary license. A completed application shall include the following information:

(1) The applicant's application type and contact information, including:

(A) Applicant's full legal name ((Last Name) (First Name) (Middle Name) and optional (Suffix));

(B) Other name(s) applicant has used or has been known by;

(C) Applicant's physical address;

(D) Applicant's mailing address, if different than the applicant's physical address. The mailing address may be a post office box number or other alternate address;

(E) Applicant's email address, if any;

(F) Applicant's telephone number;

(G) Applicant's Social Security Number or Individual Taxpayer Identification Number;

(H) Applicant's birthdate (month, day, and year); and

(I) Temporary License Application Type (Dentist, Affiliated Permit, or Dental Supportive Procedures as a Dental Auxiliary).

(2) The applicant shall disclose whether the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed

Forces of the United States who is assigned to a duty station in California under official active duty military orders. If the applicant answers in the affirmative, the applicant shall provide the following documentation with the application:

(A) copy of certificate of marriage or certified declaration/registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active duty member of the Armed Forces, and

(B) copy of the military orders establishing their spouse or partner's duty station in California.

(3) The applicant shall disclose whether the applicant holds a current, active and unrestricted license to practice dentistry, practice within the scope of practice of an affiliated permit or provide dental supportive procedures as a dental auxiliary in another state, district, or territory of the United States, and whether such license is the same type of license that the applicant is applying for with the Board. If the applicant answers in the affirmative, the applicant shall provide written verification from the applicant's original licensing jurisdiction that the applicant's license is in good standing in that jurisdiction.

The verification shall include all of the following:

(A) the full legal name of the applicant and any other name(s) the applicant has used or has been known by;

(B) the license type and number issued to the applicant by the original licensing jurisdiction, and the relevant law(s) and regulation(s) under which the license was issued;

(C) the name and location of the licensing agency or entity;

(D) the issuance and expiration date of the license; and

(E) information showing that the applicant's license is currently in good standing.

(4) The applicant shall disclose whether the applicant holds or has ever held any other license to practice dentistry or provide dental supportive procedures as a dental auxiliary in another state, district, or territory of the United States. If the applicant answers in the affirmative, the applicant shall provide written verification from each of the applicant's original licensing jurisdiction(s) that the applicant's license is in good standing in that jurisdiction. The verification shall include all of the following:

(A) the full legal name of the applicant and any other name(s) the applicant has used or has been known by;

(B) the license type and number issued to the applicant by the original licensing jurisdiction;

(C) the name and location of the licensing agency or entity;

(D) the issuance and expiration date of the license;

(E) information showing the applicant's license status.

(5) The applicant shall furnish fingerprints to the Board in compliance with subsection (d) to permit the Board to conduct a criminal history record check through the California Department of Justice.

(6) For applicants seeking a temporary license to practice as a dentist, the applicant shall furnish proof of successful completion of the California law and ethics examination specified in subsection (c). "Proof of successful completion" shall mean a copy of the applicant's report or notice issued by the examination administrator PSI Services LLC (PSI) that lists the applicant's name and indicates that the applicant passed the examination.

(7) The following statement and notice, signed and dated by the applicant:

I hereby attest that I meet all of the requirements for temporary licensure as set forth in Business and Professions Code Section 115.6 (c)(1) through (5), including that I have not committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license under the Business and Professions Code at the time the act was committed and I am aware that a violation of this paragraph may be grounds for the denial or revocation of a temporary license issued by the Board. I also attest to the fact that I have not been disciplined by a licensing entity in another jurisdiction and am not the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction. I also understand that I will be required to furnish a full set of fingerprints for purposes of conducting a criminal background check. I further attest that the information submitted in this application is accurate, to the best of my knowledge.

Notice: Falsification or misrepresentation of any item or response on this application or any attachment hereto is grounds for denying the application. In addition, any temporary license issued after the application is processed will be immediately terminated upon a finding that the license holder provided substantively inaccurate information that would affect the person's eligibility for temporary licensure (Bus. & Prof. Code, § 115.6).

(c) Law and Ethics Examination Requirements. Each applicant for a temporary license as a dentist shall successfully complete the California law and ethics examination administered by PSI specified in Section 1031.

(1) To take the examination, each applicant shall submit a completed application for approval to test to the Board that contains all of the following:

(A) full legal name (first, last and middle);

(B) social security number or individual taxpayer identification number;

(C) birth date;

(D) mailing address;

(E) telephone number;

(F) email address;

(G) a disclosure regarding whether the applicant is requesting a reasonable accommodation pursuant to subdivision (b) of Government Code Section 12944. The applicant shall 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;

(H) the information required by paragraphs (2) and (3) of subsection (b); and

(I) a certification, under penalty of perjury, by the applicant that the information on the application is true and correct.

(2) After receipt of a completed application for approval to test, and upon the Board's determination that the applicant has met the requirements of paragraphs (1) and (2) of subdivision (c) of Section 115.6 of the Code, the Board shall mail a written and dated notice of approval to test to the applicant and PSI. The notice shall also contain the web site address, email address, telephone number and mailing address for the applicant to contact PSI to schedule the examination.

(3) Upon receipt of written notice of approval to test from the Board, an applicant is responsible for contacting PSI to schedule a test date and examination site location, and paying PSI's nonrefundable fees to take the examination.

(d) Fingerprinting Requirements. All applicants shall have met the fingerprinting requirements of this subsection prior to issuance of a temporary license.

(1) Subject to paragraph (3), all applicants must submit fingerprints through the California Department of Justice's electronic fingerprint submission Live Scan Service

("Live Scan") by completing the California Department of Justice Form "Request for Live Scan Service," and submitting fingerprinting, through Live Scan as described in this subsection.

(2) Each applicant shall take the completed "Request for Live Scan Service" form to a Live Scan location to have their fingerprints taken by the operator. The applicant will be required to pay all fingerprint processing fees payable to the Live Scan operator, including the Live Scan operator's "rolling fee," if any, and fees charged by the California Department of Justice and the Federal Bureau of Investigation. For current information about fingerprint background checks, and Live Scan locations, please visit the Attorney General's website at: <https://oag.ca.gov/fingerprints>.

(3) Applicants residing outside of California who cannot be fingerprinted electronically through Live Scan in California must have their fingerprints taken at a law enforcement agency in their state of residence, using fingerprint cards. Applicants shall complete and mail two fingerprint cards, together with the California Department of Justice and the Federal Bureau of Investigation fingerprinting fees (either personal check drawn on a U.S. bank, money order or certified check), payable to the "Dental Board of California," to:

Dental Board of California
Attention: Licensing and Examination Unit
2005 Evergreen St., Suite 1550
Sacramento, CA 95815

(e) Upon meeting the requirements in subsection (b) and if no grounds for denial exist pursuant to Sections 115.6 or 480 of the Code, the Board shall issue to the applicant the applicable temporary license, subject to the conditions set forth in subdivision (h) of Section 115.6 of the Code.

(f) If the applicant is seeking a temporary license from the Board to practice under an affiliated permit, the applicant also shall either:

(1) Prior to or at the same time as the applicant submits an application for the temporary license to practice under an affiliated permit, apply for a temporary dentist license using the application specified in subsection (b) for permits issued pursuant to Sections 1638.1, 1646.1, 1647.2, 1647.19, or 1647.31 of the Code; or

(2) Have a current, active, and unrestricted license as a physician and surgeon from the Medical Board of California for permits issued pursuant to Sections 1638 and 1646.9 of the Code.

(g) No temporary license for an affiliated permit shall issue until the applicant has been issued a temporary dentist license or has obtained a license as a physician and surgeon from the Medical Board of California, as applicable.

Note: Authority cited: Sections 115.6 and 1614, Business and Professions Code.
Reference: Sections 480, 115.6, 1611, 1632, 1638, 1638.1, and 1749.1, Business and Professions Code.