



MEMORANDUM	
DATE	June 8, 2010
TO	DHCC Committee Members
FROM	Lori Hubble, Executive Officer Traci Napper, Regulations Analyst Dental Hygiene Committee of California
SUBJECT	AGENDA ITEM 5 – Proposed amendments and response to comments received at April 26, 2010 hearing regarding proposed regulations re Retroactive Fingerprinting

On April 26, 2010 a public hearing was held on the proposed retroactive fingerprint regulation. Shanda Wallace, RDH was in attendance and suggested that the Committee consider increasing the traffic infraction cost to \$1000 to Section 1107 (b) because many traffic fines exceed \$300.00 such as parking in a bus zone.

Rationale: The Committee may wish to change the cost of the fine from \$300 to \$1000 because many traffic violations exceed \$300.00 such as driving over the speed limit, driving in the carpool lane and red light violation.

Action Requested

1. If the Committee adopts the final text as noticed and no changes are made, the Committee must direct staff to take all steps necessary to complete the rulemaking process, including the final rulemaking package with the Office of Administrative Law and authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed regulations at California Code of Regulations (CCR) Section 1106 and 1107 as filed.
2. If the Committee makes changes to the text in response to the comment received, the Committee must direct staff to take all necessary steps to complete the rulemaking process, including preparing modified text for an additional 15-day comment period, which includes the amendments accepted by the Committee at this meeting. If after the 15-day public comment period, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt CCR Sections 1106 and 1107 of the proposed regulations with the modified text.

Article 2. General Rules Regarding Fingerprint Requirement

Section 1106. Response to Committee Inquiry.

If the committee or its designee asks a licensee to provide criminal history information, a licensee shall respond to that request within 30 days. The licensee shall make available all documents and other records requested and shall respond with accurate information.

NOTE: Authority cited: Section 1906, Business and Professions Code. Reference: Sections 1916, 1950 Business and Professions Code, and Section 11105 Penal Code

1107. Fingerprint and Disclosure Requirements for Renewal of License.

- (a) As a condition of renewal for a license that expires on or after (INSERT DATE) a licensee who was initially licensed prior to January 1, 1994, or for whom an electronic record of the submission of fingerprints no longer exists, shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.
- (1) The licensee shall pay any costs for furnishing the fingerprints and conducting the searches.
- (2) As a condition of renewal, a licensee shall certify whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.
- (3) This requirement is waived if the licensee is actively serving in the military outside the country.
- (4) A licensee shall retain, for at least three years from the renewal date, either a receipt showing the electronic transmission of his or her fingerprints to the Department of Justice or a receipt evidencing that the licensee's fingerprints were taken.
- (b) As a condition of renewal, a licensee shall disclose whether, in the prior renewal cycle, he or she has been convicted of any violation of the law in this or any other state, the United States, or other country, omitting traffic infractions under ~~\$300~~ **\$1000** not involving alcohol, dangerous drugs, or controlled substances. In addition, a licensee shall disclose any disciplinary actions against any other license he or she may hold.
- (c) Failure to comply with the requirements of this section renders any renewal incomplete and the license will not be renewed until the licensee demonstrates compliance with all requirements.
- (d) Failure to furnish a full set of fingerprints to the Department of Justice as required by this section on or before the date required for renewal of a license is grounds for discipline by the Board.

NOTE: Authority cited: Section 1906, Business and Professions Code. Reference: Sections 1916, 1950 Business and Professions Code, and Section 11105 Penal Code