



Proposed Regulation for Rehabilitation Criteria for Denials and Reinstatements.

SECOND MODIFIED TEXT

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

Modifications to the proposed regulatory language are shown in double underline for new text and ~~double strikethrough~~ for deleted text.

Second modifications to the proposed regulatory language are shown in *italicized double underline* for new text and ~~*italicized double strikethrough*~~ for deleted text.

To add § 1136 in Article 10 of Division 11 of Title 16 of the California Code of Regulations to read as follows:

§ 1136. Rehabilitation Criteria for Denials and Reinstatements.

(a) When considering the denial of a license under Section 480 of the Code on the ground that the applicant ~~was~~ has been convicted of a crime, the Dental Hygiene Board of California (Board) shall consider whether the applicant made a showing of rehabilitation ~~and is presently eligible for a license~~, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria:

- (1) The nature and gravity of the crime(s) under consideration.
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (a), the denial is based on professional misconduct, or the denial is based on Sections 1943 or 1958.1 of the code, ~~If subdivision (a) is inapplicable, or the Board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (a), the Board shall apply the following criteria in evaluating an applicant's rehabilitation. The Board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after consideration of the following criteria, the Board finds that the applicant is rehabilitated:~~

(1) The nature and ~~severity~~ gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial ~~under sections 480 or 1943 of the Code.~~

(3) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subsection (b)(1) or (b)(2).

(4) ~~The extent to which~~ Whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(c) When considering a petition for reinstatement of a license or a petition for modification or termination of probation under the provisions of section 1957 of the Code, the Board shall evaluate evidence of rehabilitation submitted by the petitioner considering those criteria specified in this section, *as applicable*.

NOTE: Authority cited: Sections ~~480~~, 481, 482, 1905, and 1906, Business and Professions Code. Reference: Sections 480, 481, 482, 488, 493, 1943, ~~and~~ 1957, and 1958.1, Business and Professions Code.