



Proposed Regulation for Rehabilitation Criteria for Suspensions and Revocations.

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.

To add §1137 in Article 10 of Division 11 of Title 16 of the California Code of Regulations to read as follows:

§ 1137. Rehabilitation Criteria for Suspensions and Revocations.

(a) When considering the suspension or revocation of a license issued by the Dental Hygiene Board of California (Board) on the ground that a person holding a license as a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions has been convicted of a crime, the Board shall consider whether the licensee made a showing of rehabilitation ~~and is presently fit for a license~~, if the licensee 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 licensee'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 licensee has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the licensee did not make the showing of rehabilitation based on the criteria in subdivision (a), the suspension or revocation is based on a disciplinary action as described in Section 141 of the code, or the suspension or revocation is based on one or more of the grounds specified in Sections 1949, 1950, 1952, 1955, or 1958.1 of the code, ~~If subdivision (a) is inapplicable, or the Board determines that the licensee did not make the showing of rehabilitation based on the criteria in subdivision (a),~~ the Board shall apply the following criteria in evaluating a licensee's rehabilitation. ~~The Board shall find that the licensee made a showing of rehabilitation and is presently fit for a license if, after considering the following criteria, the Board finds that the licensee is rehabilitated:~~

(1) The nature and severity of the act(s), disciplinary action(s), or crime(s) under consideration.

(2) The total criminal record.

(3) The time that has elapsed since commission of the act(s), disciplinary action(s), or crime(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the licensee.

(5) The criteria in subdivision (a)(1)-through (5), as applicable

(6) If applicable, evidence of dismissal proceedings pursuant to section 1203.4 of the Penal Code.

(7) Evidence, if any, of rehabilitation submitted by the licensee.

NOTE: Authority cited: Sections 481, 482, 490, 1905, and 1906, Business and Professions Code. Reference: Sections 481, 482, 488, 490, 493, 1943, 1949, 1950, 1952, 1955, ~~and~~ 1957, and 1958.1, Business and Professions Code.