

TITLE 16. DENTAL HYGIENE BOARD OF CALIFORNIA - DEPARTMENT OF CONSUMER AFFAIRS PROPOSED LANGUAGE

Adopt Section 1138.1 of Title 16 of the California Code of Regulations (CCR) to read as follows:

§ 1138.1 Unprofessional Conduct.

In addition to the conduct described in Sections 1950.5 and 1955 of the Code, “unprofessional conduct” also includes, but is not limited to, the following:

- (a) Knowingly making any statement or signing any certificate or other document directly or indirectly related to the practice of dental hygiene that falsely represents the existence or nonexistence of a state of facts.
- (b) A licensee’s failure to provide to the Dental Hygiene Board of California (Board), as directed, lawfully requested copies of documents within 15 calendar days of receipt of the request or within the time specified in the request, whichever is later, unless the licensee is unable to provide the documents within this time period for good cause, including but not limited to, physical inability to access the records in the time allowed due to illness or travel. This subdivision shall not apply to a licensee who does not have access to or control over the documents.
- (c) Failure to cooperate or participate in any Board investigation pending against the licensee. This subdivision shall not be construed to deprive a licensee of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. This subdivision shall not be construed to require a licensee to cooperate with a request that would require the licensee to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the licensee’s practice. Any valid exercise by a licensee of any constitutional or statutory privilege shall not be used against the licensee in an administrative or disciplinary proceeding against the licensee.
- (d) Failure to report to the Board, within 30 calendar days, any of the following:
 - (1) The conviction of the licensee, including any verdict of guilty, or pleas of guilty or no contest, of any felony or misdemeanor.

- (2) Any final disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.

Note: Authority cited: Sections 1905 and 1906, Business and Professions Code.
Reference: Sections 1950.5 and 1955, Business and Professions Code.