



(Proposed Deletion in Strikeout; Proposed Addition in Underline)

Article 10. Uniform Standards Related to Substance Abuse and Disciplinary Guidelines Denials, Discipline, and Reinstatement

Proposed Regulation for Substantial Relationship Criteria

(All language is new and proposed to be adopted.)

To add § 1135 in Article 10 of Division 11 of Title 16 of the California Code of Regulations to read as follows:

§ 1135. Substantial Relationship Criteria.

- (a) For the purposes of the denial, suspension or revocation of a license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a dental hygienist, dental hygienist in alternative practice, or a dental hygienist in extended functions if, to a substantial degree, it evidences present or potential unfitness of a person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare.
- (b) In making the substantial relationship determination required under subdivision (a) for a crime, the Dental Hygiene Board of California (Board) shall consider the following criteria:
- (1) The nature and gravity of the offense;
 - (2) The number of years elapsed since the date of the offense; and
 - (3) The nature and duties of a dental hygienist, dental hygienist in alternative practice, or a dental hygienist in extended functions;
- (c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

- (1) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of Chapter 1 of Division 2 (commencing with Section 500) of the Code.
- (2) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of the Dental Practice Act (Chapter 4 of Division 2, commencing with Section 1600, of the Code) or other state or federal laws governing the practice of dental hygienists, dental hygienists in alternative practice, and dental hygienists in extended functions.
- (3) Conviction or act involving fiscal dishonesty.
- (4) Conviction or act involving child abuse.
- (5) A conviction requiring a person to register as a sex offender pursuant to Section 290 of the Penal Code.
- (6) Conviction or act involving lewd conduct or sexual impropriety.
- (7) Conviction or act involving assault, battery, or other violence.
- (8) Any conviction, crime, professional misconduct, or act involving the use, sale, gift, administration, furnishing of narcotics, or dangerous drugs or dangerous devices Section 4022 of the Code) to an extent or in a manner dangerous to the individual or the public.
- (9) Conviction for driving under the influence of drugs or alcohol.

Note: Authority cited: Sections 481, 493, 1905, and 1906, Business and Professions Code. Reference: Sections 141, 480, 481, 490, and 493 Business and Professions Code.