



Proposed Regulation for Rehabilitation Criteria for Denials and Reinstatements.

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

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 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 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 of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) 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) or crime(s) referred to in subsection (b)(1) or (b)(2).

(4) The extent to which 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.

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



Proposed Regulation for Rehabilitation Criteria for Suspensions and Revocations.

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

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 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) or crime(s) under consideration.
- (2) The total criminal record.
- (3) The time that has elapsed since commission of the act(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)-(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, and 1957, Business and Professions Code.