

**State of California
Office of Administrative Law**

In re:
Physician Assistant Board

Regulatory Action:

Title 16, California Code of Regulations

Amend sections: 1399.523.5

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2021-1220-01

OAL Matter Type: Regular (S)

This action amends regulations for required actions against registered sex offenders to align with statutory changes to criteria for denial of licenses.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2022.

Date: March 3, 2022



**Anna Thomas
Attorney**

**For: Kenneth J. Pogue
Director**

**Original: Rozana Khan, Executive Officer
Copy: Jasmine Dhillon**

STD. 400 (REV. 01-2013)

REGULAR

OAL FILE NUMBERS	NOTICE FILE NUMBER Z- 2021-0323-06	REGULATORY ACTION NUMBER 2021-1220-015	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

MAR 03 2022
1:43 PM

OFFICE OF ADMINISTRATIVE LAW

Electronic Submission

RECEIVED DATE 3/23/2021	PUBLICATION DATE 4/2/2021
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OFFICE OF ADMIN. LAW
2021 DEC 20 PM 3:41

NOTICE	REGULATIONS
AGENCY WITH RULEMAKING AUTHORITY Physician Assistant Board	AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Required Actions Against Registered Sex Offenders	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT N/A
	AMEND CCR 1399.523.5
	REPEAL N/A
TITLE(S) 16	

3. TYPE OF FILING <input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only
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4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
 Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State §100 Changes Without Regulatory Effect Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
 Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal
 Other (Specify) Kimberly Kirchmeyer, Director, Department of Consumer Affairs

7. CONTACT PERSON Jasmine Dhillon	TELEPHONE NUMBER (279) 666-2838	FAX NUMBER (Optional) (916) 263-2671	E-MAIL ADDRESS (Optional) Jasmine.Dhillon@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Rozana Khan</i>	DATE 11/18/2021
TYPED NAME AND TITLE OF SIGNATORY Rozana Khan, Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 03 2022

Office of Administrative Law

PHYSICIAN ASSISTANT BOARD

PROPOSED LANGUAGE

Amend section 1399.523.5 of Article 1 of Division 13.8 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.523.5. Required Actions Against Registered Sex Offenders.

(a) Except as otherwise provided, if an individual is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, or military or federal law, the board shall:

(1) Deny an application by the individual for licensure, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) Promptly revoke the license of the individual, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and shall not stay the revocation nor place the license on probation.

(3) Deny any petition to reinstate or reissue the individual's license.

(b) This section shall not apply to any of the following:

(1) An individual who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that required registration; provided, however, that nothing in this paragraph shall prohibit the board from exercising its discretion to ~~deny~~ or discipline a licensee under any other provision of state law.

(2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code; provided, however, that nothing in this paragraph shall prohibit the board from exercising its discretion to ~~deny~~ or discipline a licensee under any other provision of state law based upon the licensee's conviction under section 314 of the Penal Code.

(3) An individual applying for licensure who has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, or who has been granted clemency or a pardon by a state or federal executive.

(4) An individual applying for licensure who has made a showing of rehabilitation pursuant to Section 1399.526.

~~(3)~~ (5) Any administrative proceeding that is fully adjudicated prior to the effective date of this regulation July 1, 2020.

(c) A petition for reinstatement of a revoked or surrendered license shall be considered a new proceeding for purposes of this ~~paragraph~~ Section, and the prohibition in subsection (a) against reinstating a license shall govern. Subsection (b)(4) of this Section shall not be interpreted to apply to any individual applying for reinstatement of a license.

Note: Authority cited: Section 3510, Business and Professions Code. Reference: Sections 480, 482, 3504.1, 3510, 3527, 3528, 3530, and 3531, Business and Professions Code.