

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.