

## Title 16. Physician Assistant Board

### Proposed Language

#### To Amend § 1399.526 in Article 2 of Division 13.8 of Title 16 of the California Code of Regulations to read as follows:

1399.526. 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 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—in evaluating the rehabilitation of the applicant and his or her present eligibility for a license, shall consider the following criteria:

(1) the nature and gravity of the crime(s).

(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 considering the following criteria, the board finds that the applicant is rehabilitated:

(1) The nature and severity of the act(s)-conduct or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s)-conduct committed subsequent to the act(s)-conduct or crime(s) under consideration as grounds for denial under section 480 or 3527 of the code.

(3) The time that has elapsed since commission of the ~~act(s)~~ conduct or crime(s) referred to in subsection ~~(a)~~ (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.

~~(bc)~~ When considering a petition for reinstatement of a license or a petition for modification or termination of probation under the provisions of section ~~11522~~3530 of the ~~Government~~ Code, the board shall evaluate evidence of rehabilitation submitted by the petitioner considering those criteria specified in this section.

NOTE: Authority cited: Sections 482, 2018 and 3510, Business and Professions Code. Reference: Sections 480, 481, 482, 488, 493, 3527, 3530 and 3531, Business and Professions Code.