

Title 16. Physician Assistant Board

Proposed Language

To Amend § 1399.527 in Article 2 of Division 13.8 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.527. Rehabilitation Criteria for Suspensions and Revocations.

~~(a) When considering the suspension or revocation of a license on the ground that a person holding a license under the Physician Assistant Practice Act 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: in evaluating the rehabilitation of such person and his or her 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 licensee's rehabilitation.~~

~~(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for the 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:~~

~~(a)(1) The nature and severity of the act(s) or offensecrime(s).~~

~~(b)(2) The total criminal record.~~

~~(c)(3) The time that has elapsed since commission of the act(s) or offensecrime(s).~~

| ~~(d)~~(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against such person.

| (5) The criteria in subdivision (a)(1)-(5), as applicable.

| ~~(e)~~(6) If applicable, evidence of expungementdismissal proceedings pursuant to section 1203.4 of the Penal Code.

| ~~(f)~~(7) Evidence, if any, of rehabilitation submitted by the licensee.

| Note: Authority cited: Sections 482, 2018 and 3510, Business and Professions Code. Reference: Sections 141, 480, 482, 488, 493, 3527 and 3531, Business and Professions Code.