



## MEMORANDUM

<b>DATE</b>	February 25, 2020
<b>TO</b>	Physician Assistant Board Members
<b>FROM</b>	Will Maguire, Attorney I Legal Affairs Division, Department of Consumer Affairs
<b>SUBJECT</b>	<b>Proposed Responses to Public Comments from Root and Rebound Reentry Advocates dated January 13, 2020 Regarding Proposed Amendments to Title 16, California Code of Regulations section 1399.525, 1399.526, and 1399.527 (AB 2138 Implementation)</b>

### **Background**

At its January 28, 2019 meeting, the Board approved regulatory language to implement AB 2138 (Chiu, Chapter 995, Statutes of 2018). Key provisions of that bill, which becomes effective on July 1, 2020, are as follows:

1. Only permits a board to deny a license on grounds that an applicant has been convicted of a crime or has been subject to formal discipline if either of these are met (Business and Professions Code (BPC), § 480, subd. (a)):
2. The conviction was within 7 years of the date of the application and is substantially related to the qualifications, functions, or duties of the profession. The 7-year limit does not apply to convictions for a serious felony (defined in Penal Code, § 1192.7), or for those who must register as a sex offender as described in Penal Code section 290, subdivisions (d)(2) or (3).
3. The applicant has been subject to formal discipline by a licensing board within the past 7 years for professional misconduct that would have been cause for disciplinary action by the Board and is substantially related to the profession. (The prior disciplinary action cannot be used to deny if it was based on a dismissed or expunged conviction.)
4. Prohibits a board from requiring that an applicant for licensure disclose information about his or her criminal history. However, a board is permitted to request it for the purpose of determining substantial relationship or evidence of rehabilitation. In such a case, the applicant must be informed that the disclosure is voluntary and failure to disclose will not be a factor in a board's decision to grant or deny an application. (BPC, § 480, subd. (f)(2).)

5. Requires each board to develop criteria to determine whether a crime is substantially related to the qualifications, functions, or duties of the profession.

These criteria are required to be considered when considering the denial, suspension, or revocation of a license. By law, boards are required to adopt regulations that include all of the following criteria (BPC, § 481):

1. The nature and gravity of the offense.
  2. The number of years elapsed since the date of the offense.
  3. The nature and duties of the profession in which the applicant seeks licensure or is licensed.
6. Prohibits a board from denying a license based on a conviction without considering evidence of rehabilitation. (BPC, § 481)
  7. Requires each board to develop criteria to evaluate rehabilitation when considering denying, suspending, or revoking a license. A showing of rehabilitation shall be considered if the applicant or licensee has been completed their criminal sentence without a violation of parole or probation, or if the board finds its criteria for rehabilitation has been met. (BPC, § 482)

To successfully adopt, amend or repeal a regulation, the Board is required to meet the following standards in the Administrative Procedure Act (APA): (1) necessity, (2) authority, (3) clarity, (4) consistency, (5) reference, and (6) nonduplication. (Gov. Code, § 11349.1)

### **Status of the Regulation Proposal**

The Board noticed the regulation proposal on November 15, 2019, and the gave the public fifty-nine (59) days to provide public comment ending on January 13, 2020 (legally the Board is only required to provide 45 days of public comment). The public hearing was conducted on January 13, 2020. However, a public comment was received after the public hearing was held (see **Attachment A**). In the future, we recommend that staff notice the written public comment period before the Board holds its hearing so the Board may more fully and expeditiously consider all comments prior to deliberation and action.

### **Summary of Comments Received and Proposed Responses**

Katherine Katcher, Executive Director of Root and Rebound Reentry Advocates, submitted a letter commenting on the Board's implementation of Assembly Bill 2138, dated January 13, 2020 ("the letter" attached hereto as **Attachment A**). Katherine Katcher submitted all comments below on behalf of Root and Rebound Reentry Advocates. Below is a summary of each comment and a recommended response. The responses were prepared in consultation with, and based upon, direction given by the Board's Executive Officer and President.

## 1. Comment #1: General Statement/ Purpose of the Letter

**Summary:** The letter states that they believe the proposal should go further in order to fully implement the intention and spirit of the AB 2138 text. They believe there is a lack of clarity in the licensure process for individuals who have been impacted by the criminal justice system that leads many of them to give up. They believe the proposed regulations leave gaps and fail to implement Business and Professions Code (BPC) section 480 and fall short of the intent of the bill to combat discrimination against people with records who have demonstrated rehabilitation and are seeking a professional career.

**Proposed Response:** The Board rejects this comment. The purpose of the proposed regulations is to clarify substantial relationship criteria and criteria for rehabilitation, as required by AB 2138 (BPC § 481). In particular, consistent with the requirements enacted by AB 2138, these regulations would adopt all of the following criteria, which would assist the Board with a balanced approach to evaluating an applicant's eligibility for licensure:

1. The nature and gravity of the offense.
2. The number of years elapsed since the date of the offense.
3. The nature and duties of the profession in which the applicant seeks licensure or is licensed.

Further, clarifying how to determine whether a crime is substantially related and clarifying the factors that will be considered when evaluating rehabilitation should assist applicants and licensees with demonstrating their rehabilitation.

## 2. Comment #2

**Summary:** The letter asks that the full extent of AB 2138 be incorporated into the regulations by including the seven-year washout period for consideration of convictions or discipline which are not statutorily considered serious felonies under the Penal Code. (See BPC, § 480, subd. (a)(1).)

**Proposed Response:** The Board rejects this comment. The seven-year period during which a board can deny a license for a conviction or formal discipline is fully described in BPC section 480, subdivision (a)(1). As this is already included in statute, adding this provision is duplicative of section 480 and therefore it is not necessary to repeat it in the regulations.

### 3. Comment #3

**Summary:** The letter asks that the full extent of AB 2138 be incorporated into the regulations by including a provision that a denial cannot occur if it was based on an expunged conviction, if the person has provided evidence of rehabilitation, or was granted clemency or pardon for an arrest that led to a disposition other than a conviction. (See BPC, § 480, subd. (c).)

**Proposed Response:** The Board rejects this comment. BPC section 480, subdivision (c) already clearly states that a license may not be denied based on a conviction, or its underlying acts, if it has been dismissed or expunged pursuant to Penal Code sections 1203.4, 1203.4a, 1203.41, or 1203.42. In addition, BPC section 480, subdivision (b) prohibits license denial if the applicant has obtained a certificate of rehabilitation, was granted clemency or a pardon, or has made a showing of rehabilitation per BPC section 482. BPC section 480, subdivision (d) prohibits license denial based on arrest that resulted in something other than a conviction, such as an infraction, citation, or juvenile adjudication. Since these provisions are already specifically covered in statute, adding them again in regulation would be duplicative. Therefore, it is not necessary to repeat them in regulations.

### 4. Comment #4

**Summary:** The letter states that “Section 1399.523(b) Should add a description giving applicants the opportunity to provide evidence of mitigation and rehabilitation to be considered by the board.”

**Proposed Response:** The Board rejects this comment. Section 1399.523 of the Board’s regulations contained in Division 13.8 of Title 16 of the California Code of Regulations relates to Disciplinary Guidelines and is not the subject of this rulemaking. If the commenter intended to direct her comments at proposed amendments to Sections 1399.526 or 1399.527, the Board’s existing regulations already require the Board to consider the nature and severity of the conduct (which would necessarily include any mitigating circumstances), any conduct occurring subsequent to the crime or conduct, and any rehabilitation evidence the applicant wishes to provide. This proposed change is therefore unnecessary.

### 5. Comment #5

**Summary:** The letter states that the intent of AB 2138 was not to incorporate mere probation or parole reports into the occupational licensing determinations. The letter states that rehabilitation can and does take many forms that extend beyond law

enforcement supervision, and this will not adequately show how an applicant would do on the job. The letter recommends that the Board consider reviewing things such as volunteer service, successful employment in a related field, unpaid community work, furthered education, and other markers of rehabilitation. merely looking to law enforcement will not adequately show how an applicant would do on the job.

**Proposed Response:** The Board rejects this comment. Business and Professions Code section 482 requires boards to develop criteria to evaluate rehabilitation and to consider whether an applicant or licensee has made a showing of rehabilitation if either the criminal sentence has been completed without violation of probation or parole, or if the board otherwise finds the applicant rehabilitated.

Therefore, sections 1399.526 and 1399.527 of the proposal would provide two-step rehabilitation guidance for the Board in complying with this law:

- First, the Board must determine if the completion of the criminal sentence with no violations constitutes rehabilitation. Consistent with the direction in AB 2138, to consider rehabilitation if an applicant completes the criminal sentence at issue without a violation of parole or probation, specific criteria are being added to sections 1399.526 and 1399.527 to help the Board determine whether sentence completion demonstrates rehabilitation. Criteria the Board is proposing include length of the parole or probation, whether it was shortened or lengthened and the reasons, and any modifications to the parole or probation that may have been made. This represents the first step and includes probation or parole reports, because these are an indication of how well compliance was achieved. However, if the Board does not find rehabilitation based solely on sentence completion, there is still a second step that must be considered. An applicant can show rehabilitation as proposed in subdivision (b) of the regulations.
- The second step, if rehabilitation is not demonstrated solely based on the sentence completion, is that the Board must consider certain other criteria to evaluate rehabilitation. This includes nature and severity of the crime, time elapsed since the crime, evidence of any subsequent crimes or conduct, compliance with probation or parole, and evidence of rehabilitation submitted by the applicant or licensee. A general category permitting submission of any rehabilitation evidence allows an applicant to demonstrate volunteer or charity work, furthered education, successful employment, or any other activities that they choose to submit to be considered by the Board. The Board can and already does give serious consideration to these factors when considering whether an applicant or licensee is rehabilitated.

## 6. Comment #6

**Summary:** The letter states that the regulations do not mention that obtaining a COR (certificate of rehabilitation), dismissal, or arrest that led to an infraction, citation, or juvenile adjudication means that a person shall not be denied a license, and requests that this be clarified.

**Proposed Response:** The Board rejects this comment. As noted in the response to Comment #3 above, Business and Professions Code section 480, subdivisions (b), (c), and (d) explicitly prohibit denial of a license in these circumstances. It would therefore be duplicative of the statute and not necessary to repeat this in the regulations.

#### **7. Comment #7**

**Summary:** The letter states that the regulations fail to mention requirements to obtain statistical information on the number of applicants with a criminal record who apply and receive notice of denial/disqualification of licensure, provided evidence of mitigation/rehabilitation, and the final disposition of demographic information. (See BPC, § 480, subd. (g)(1), (2).)

**Proposed Response:** The Board rejects this comment. These requirements are already stated in statute (BPC, § 480, subd. (g)(1) and (2)). It would therefore be duplicative of the statute and not necessary to repeat this in the regulations.

#### **8. Comment #8**

**Summary:** The letter states that the regulations fail to include that the Board shall not require an applicant to disclose any information or documentation regarding the applicant's criminal history. (See BPC, § 480, subd. (f)(2).)

**Proposed Response:** The Board rejects this comment. Business and Professions Code section 480, subdivision (f)(2) already covers this in detail. It would therefore be duplicative of the statute and not necessary to repeat this in the regulations.

#### **9. Comment #9**

**Summary:** The letter states that the regulations fail to include that the Board must notify the applicant in writing for denial and disqualifications and have procedures in place for the applicant to challenge a decision or request consideration, and that the applicant has a right to appeal the Board's decision and the process of requesting a complete conviction history. (See BPC, § 480, subd(f)(3).)

**Proposed Response:** The Board rejects this comment. Business and Professions Code sections 480(f)(3), 485 through 487, and the California Administrative Procedure Act commencing at Government Code sections 11500 and following already contains these requirements, including requirements for providing the legal and factual basis for the denial, service of the denial on the applicant, and notice to the applicant regarding the opportunity to request a hearing to challenge the decision. It would therefore be duplicative of these statutes and not necessary to repeat this in the regulations.

#### 10. Comment #10

**Summary:** The letter recommends that to better define rehabilitation, the Board should provide examples of evidence of mitigating circumstances and rehabilitation efforts to assist both the Board and licensing applicants.

**Proposed Response:** The Board rejects this comment. Currently, the Board's regulations allow the applicant or licensee to submit evidence of rehabilitation, and the Board is required to consider it.

There are many possible ways of showing rehabilitation, and many unique scenarios of mitigating circumstances. Attempting to specifically list some but not others may be limiting or misleading to the applicant and the staff of the Board. In addition, the circumstances of each enforcement case are unique and what is sufficient evidence of rehabilitation for one case may not suffice for another or may not be relevant for all types of crimes (e.g., attendance at Alcoholics Anonymous is a common demonstration of rehabilitation for alcohol-related crimes but is not a good example of rehabilitation for a crime where alcohol was not involved). The Board believes that the regulation adequately addresses the rehabilitation issues while allowing the applicant to provide evidence that specifically addresses their rehabilitative efforts relative to a crime or conduct on a case-by-case basis.

#### 11. Comment #11

**Summary:** The letter asserts that "Section 1599.526 is not mentioned in the proposed edits but should be included to further clarify examples of rehabilitative evidence. Examples of such evidence include; letters of recommendation, education, volunteer experience, community involvement, time clean and sober, etc."

**Proposed Response:** The Board rejects this comment. The Board currently does not have a regulation or proposal pending for a "Section 1599.526." If the commenter is intending to address proposed edits to Section 1399.526, the Board provides the

following response: Currently, the Board's regulations allow the applicant or licensee to submit evidence of rehabilitation, and the Board is required to consider it. For the same reasons articulated above in the response to comment No. 10, the Board believes that the proposed regulations adequately address the rehabilitation issues while allowing the applicant to provide evidence that specifically addresses their rehabilitative efforts relative to a crime or conduct on a case-by-case basis.

## 12. Comment #12

**Summary:** The letter disagrees with the Board's definition of the term "substantially related" to the qualifications, functions, or duties of physician assistant license in Section 1399.525. The letter states that by "delineating specific convictions and defining them as "substantially related," there is no consideration of evidence. This (*sic*) the board's proposed section 1399.525(c) is not an appropriate implementation of this bill."

**Proposed Response:** The Board rejects this comment. Existing language in section 1399.525 of the regulations states that a crime or act is substantially related if "to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by his or her license in a manner consistent with the public health, safety or welfare." Consistent with the requirements of the Administrative Procedure Act, the regulation also contains types of crimes or conduct that the Board generally considers to be substantially related to the qualifications, functions or duties of the profession and which "aids" the Board in implementing section 481 of the Business and Professions Code.

The amendments being proposed to section 1399.525 expand upon these existing criteria by listing new criteria that the Legislature specifically directed the Board to additionally consider, on a case-by-case basis, in determining if there is a substantial relationship. These include the nature and gravity of the offense, the number of years elapsed since the offense, and how the offense relates to the nature and duties of the profession. These criteria serve to clarify what the Board must consider in determining a substantial relationship and fulfill the requirements of Business and Professions Code section 481, subdivisions (a) and (b).

### **Recommendation**

The members should review the proposed responses and consider whether to accept or reject any of these comments. After review, the Board may consider any of the following actions:

Option No. 1 (If the members agree with the proposed responses): Direct staff to reject the proposed comments, provide the responses to the comments as indicated in the meeting materials and complete the regulatory process as authorized by motion at the Board's January 13, 2020 meeting.

Option No. 2: (If the members have any edits to the proposed responses or wish to accept any comments or make any text changes):

Direct staff to accept the following comments and make the following edits to the text:



[identify comments to accept and text to change here], but otherwise reject the comments as set forth in the meeting materials.

In addition, direct staff to take all steps necessary to complete the rulemaking process, including sending out the modified text with these changes for an additional 15-day comment period. If after the 15-day public comment period, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulation, and adopt the proposed regulation as described in the modified text notice.



January 13, 2020

California Department of Consumer Affairs  
Physician Assistant Board  
Anita Winslow  
Regulatory Coordinator Physician Assistant Board  
2005 Evergreen Street, Suite 1100  
Sacramento, CA 95815-3893

Via email: [anita.winslow@mbc.ca.gov](mailto:anita.winslow@mbc.ca.gov)

**RE: Comments in Response to Dept. of Consumer Affairs, Physician Assistant Board:  
Proposal to Amend Section 1399.535, 1399.536 and 1399.527 of Title 16 of the California  
Code of Regulations**

Dear Ms. Winslow:

Thank you for the opportunity to submit comments to the Department of Consumer Affairs, Physician Assistant Board, criteria for establishing a substantial relationship and rehabilitation for license denials, suspensions or revocations. We support amendments to Title 16, of the California Code of Regulations Sections 1399.535, 1399.536 and 1399.527 to reflect the passage of Assembly Bill 2138, Chiu, Chapter 995, Statutes of 2018 (AB 2138) but believe it should go further in order to fully implement the intention and spirit of the AB 2138 text.

Root & Rebound is a reentry legal education and resource center based in Oakland, California that provides critical legal resources, education, and ongoing support to individuals, families, and communities most impacted by our criminal justice system. Our mission is to transfer power and information from the policy and legal communities to the people most impacted by our criminal justice system through public education, direct legal services, and policy advocacy, so that the law serves, rather than harms, low-income communities and communities of color in the United States.

Root & Rebound supports dozens of clients struggling to obtain occupational licensure, through direct legal services. As one of a handful of organizations that supports in this kind of work, we strive to provide guidance throughout the entire licensing process. This includes questions about eligibility, the initial application, response to appeals and license revocations. The lack of clarity in this process, leads many clients facing differing levels of adversity to give up entirely. We believe that our direct experience with clients who are undergoing this difficult process, along



with our involvement in the drafting and passage of AB 2138, makes us equipped to understand the proper implementation of this bill.

Thanks to the passage of AB 2138 in 2018, the roughly one in three Californians with arrest or conviction records will face fewer barriers to employment and will help to fill the much needed occupational employment gaps in the State. Root & Rebound commends the Board for its action to implement AB 2138 through suggested edits of the regulations and thereby reduce discrimination against people of color in California, who are disproportionately denied job opportunities because of occupational licensing-related conviction background checks.

However, these proposed regulations leave large gaps in the regulatory scheme under the changes to CA Business and Professions Code 480, as modified by AB 2138. These proposed regulations fail to meet and implement CA B&P 480, and are not, as written, valid. The proposed regulations also fall short of the intent of the bill, which includes combating discrimination against people with records that have demonstrated rehabilitation and seek to establish themselves professionally.

We urge the Board to incorporate the full extent of AB 2138 by including the following provisions:

- The regulations must include the 7 year washout period for consideration of convictions or discipline which are not statutorily considered serious felonies under the Cal. Penal Code. See Cal Business and Professions Code 480(a)(1).
- The regulation language should provide that a denial cannot occur if it is based on an expunged conviction, if the person has provided evidence of rehabilitation, or was granted clemency/ pardon or for an arrest that led to a disposition other than a conviction. See Cal Business and Professions Code 480(c).

Additionally, the board should clarify the following aspects of the definition:

- Section 1399.523 (b) Should add a description giving applicants the opportunity to provide evidence of mitigation and rehabilitation to be considered by the board.
- The intent of AB 2138 was not to incorporate mere probation or parole reports into the occupational licensing determinations. Rather, rehabilitation can and does take many forms that extend beyond mere law enforcement supervision. For instance, the Board



should consider reviewing volunteer service, successful employment in a related field, unpaid work in the community, furthered education and other markers of rehabilitation. Merely looking to law enforcement will not adequately show how an applicant would do on the job.

- The regulations do not mention that obtaining a COR, dismissal, or arrest which merely led to an infraction/citation or juvenile adjudication means that a person shall not be denied a license.
- The regulations fail to include any mention of requirements to obtain statistical information on the number of applicants with a criminal record who apply and receive notice of denial/disqualification of licensure, provided evidence of mitigation.rehabilitation and the final disposition of demographic information. See Cal Business and Professions Code 480(g)(1)(2).
- The regulations fails to include that the board shall not require an applicant to disclose any information or documentation regarding the applicant’s criminal history. See Cal Business and Professions Code 480(2).
- The regulations fails to include that the board shall notify the applicant in writing for denial, disqualifications, procedures in place for the applicant to challenges a drescions or request consideration, that the applicant has a right to appeal the board’s decision and the process of requesting a complete conviction history. See Cal Business and Professions Code 480(3).
- To better define rehabilitation, we recommend that the board provide examples of evidence of mitigating circumstances and rehabilitation efforts to assist both the Board and licensing applicants.
- Section 1599.526 is not mentioned in the proposed edits but should be included to further clarify examples of rehabilitative evidence. Examples of such evidence include; letters of recommendation, education, volunteer experience, community involvement, time clean and sober, etc.
- AB 2138 provides the opportunity to submit evidence of whether a conviction is “substantially related” to a position. By delineating specific convictions and defining



them as “substantially related,” there is no consideration of evidence. This the board’s proposed Section 1399.525 (c) is not an appropriate implementation of this bill.

Adequate implementation of the changes to California Business and Professions Code 480 will go a long way toward restoring hope and opportunity for the nearly one in three Californians who have an arrest or conviction record. Thank you for your consideration.

Sincerely,

Katherine Katcher, Executive Director  
1730 Franklin St. Suite 300  
Oakland, CA 94612

## **Discussion Regarding Proposed Language CCR Section 1399.514 – Renewal of License**

### **Purpose of the Agenda Item**

This agenda item presents the Physician Assistant Board (Board) with information regarding proposed language to amend Section 1399.514 of Article 1 of Division 13.8 of Title 16 of the California Code of Regulations (16 CCR), regarding requirements for renewal.

Previously at the Board's January 13, 2020 meeting proposed language was discussed to amend 16 CCR 1399.514 to include a new subsection requiring a licensee who is authorized to furnish Schedule II controlled substances through their practice agreement and is registered with the United States Drug Enforcement Administration to disclose completion of a controlled substance course as specified in 16 CCR 1399.610 and 1399.612. However, since that time, staff have identified additional issues that they feel should also be addressed with respect to CME compliance and renewal. This would require additional changes to 16 CCR 1399.514, and therefore, this proposal is being brought back for Board reconsideration.

### **Action Needed**

Staff is seeking the Board's approval of the newly proposed language in place of the prior approved proposed text, to begin the rulemaking process.

### **Background/Problem Being Addressed**

The previously proposed language did not specifically mention the different CME requirements as indicated in 16 CCR 1399.615. Subdivision (d) has now been revised to clarify each CME requirement indicated in 16 CCR 1399.615, thus allowing for the licensee to know exactly what are the CME requirements for a license renewal.

### **Proposed Changes – established through the implementation of SB 697**

The following changes are being proposed to address the aforementioned issues:

The proposed text would specify each condition of CME requirement a renewing licensee must satisfy. The Board allows for four different ways to be CME compliant, previously three of the four were indicated in subdivision (d) of 16 CCR 1399.615. The proposed language was revised to indicate all four CME requirements within the renewal regulation section.

#### **Amend Section 1399.514 – License Renewal:**

Revise subdivision (d): to set out all requirements for CME compliance as follows:

(d) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, -they have met the Board's continuing medical education (CME) requirement as provided in Sections 1399.615 and 1399.616 by one of the following :

- (1) completion of fifty (50) hours of approved Category 1 CME;

(2) is currently certified by the National Commission on Certification of Physician Assistants;

(3) is exempt from the Board's continuing medical education requirements by obtaining a waiver pursuant to Section 1399.618; or,

(4) is renewing their license in an inactive status pursuant to Section 1399.619.

### **Motion**

#### **Option #1**

To rescind the Board's prior approved proposed text, approve the proposed regulatory text and changes to 16 CCR 1399.514 as provided in the materials, and direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review. If no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, and make any non-substantive changes to the package as needed.

#### **Option #2**

Approve the proposed regulatory text for 16 CCR 1399.514 amended as follows:

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To rescind the Board's prior motion to approve proposed text, approve the changes as discussed at this meeting for 16 CCR 1399.514, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, and make any non-substantive changes to the package as needed.

### **Attachments**

Proposed Text for 16 CCR 1399.514.

## PROPOSED LANGUAGE

Amend section 1399.514 of Article 1 of Division 13.8 of Title 16 of the California Code of Regulations to read as follows:

### **1399.514. Renewal of License.**

(a) As a condition of renewal, a licensee must submit all required fees and a completed application for renewal to the Board on or before the expiration date of the license that contains all of the following:

- (1) the licensee's name, telephone number, license number, and address of record;
- (2) all of the disclosures required by this Section; and,
- (3) a declaration under penalty of perjury, signed and dated by the licensee, that all of the information submitted on the application is true and correct.

For the purposes of this subsection "required fees" includes the license renewal fee as set forth in Section 1399.550, and the mandatory fee for the Controlled Substance Utilization Review and Evaluation System (CURES) as set forth in Section 208 of the Code.

~~(a)~~ As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, ~~he or she has~~ they have been convicted of any violation of the law in this or any other state, the United States, or other country, omitting traffic infractions under \$500 not involving alcohol, dangerous drugs, or controlled substances.

~~(b)~~ As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, ~~he or she has~~ they have been denied a license or had a license disciplined by another licensing authority of this state, of another state, of any agency of the federal government, or of another country.

(d) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, ~~they have~~ met the Board's continuing medical education (CME) requirement as provided in Sections 1399.615 and 1399.616 ~~by one of the following:~~

- (1) completion of fifty (50) hours of approved Category 1 CME;
- (2) is currently certified by the National Commission on Certification of Physician Assistants;
- (3) is exempt from the Board's continuing medical education requirements by obtaining a waiver pursuant to Section 1399.618; or,
- (4) is renewing their license in an inactive status pursuant to Section 1399.619.

(e) As a condition of renewal, a licensee who holds an active license, is authorized through a practice agreement to furnish Schedule II controlled substances, and is registered with the United States Drug Enforcement Administration shall disclose whether they have completed a one-time controlled substance education course as provided in Section 1399.615.



(e) Failure to comply with the requirements of this section renders any application for renewal incomplete and the license will not be renewed until the licensee demonstrates compliance with all requirements.

(g) In the event that an individual fails to renew their license as provided in this Section and Section 3523 of the Code, the license shall expire and the individual shall be considered unlicensed until the license is renewed as provided in Section 3524 of the Code.

NOTE: Authority cited: Section 3510, Business and Professions Code. Reference: Sections 141, [208](#), 490, [3502.1](#), 3504.1, 3523, 3524, 3527 and 3531, Business and Professions Code.