

## PETITION FOR PENALTY RELIEF REINSTATEMENT/MODIFICATION/TERMINATION

Business and Professions Code section [3530](#) allows an individual whose license has been surrendered, revoked or suspended to petition the Physician Assistant Board (Board) for reinstatement of the license or whose license is on probation, due to either a disciplinary action taken by the Board or because the license was issued on probationary status, to petition the Board to modify or terminate previously imposed terms and conditions or to request that the Board terminate the probation early.

### Business and Professions Code section 3530

- (a) A person whose license or approval has been revoked or suspended, or who has been placed on probation, may petition the Board for reinstatement or modification of penalty, including modification or termination of probation, after a period of not less than the following minimum periods has elapsed from the effective date of the decision ordering that disciplinary action:
  - (1) At least three years for reinstatement of a license or approval revoked for unprofessional conduct, except that the board may, for good cause shown, specify in a revocation order that a petition for reinstatement may be filed after two years.
  - (2) At least two years for early termination of probation of three years or more.
  - (3) At least one year for modification of a condition, or reinstatement of a license or approval revoked for mental or physical illness, or termination of probation of less than three years.
- (b) The petition shall state any facts as may be required by the Physician Assistant Board or Medical Board of California. The petition shall be accompanied by at least two verified recommendations from physicians licensed either by the Medical Board of California or the Osteopathic Medical Board of California who have personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed.
- (c) The petition may be heard by the Board. The Board may assign the petition to an administrative law judge designated in section 11371 of the Government Code. After a hearing on the petition, the administrative law judge shall provide a proposed decision to the Board that shall be acted upon in accordance with the Administrative Procedure Act.
- (d) The Board or the administrative law judge hearing the petition may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time the license was in good standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional ability. The hearing may be continued, as the Board or administrative law judge finds necessary.
- (e) The Board or administrative law judge, when hearing a petition for reinstating a license or approval or modifying a penalty, may recommend the imposition of any terms and conditions deemed necessary.
- (f) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. No petition shall be considered while there is an accusation or petition to revoke probation pending against the person. The Board may deny, without a hearing or argument, any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section.
- (g) Nothing in this section shall be deemed to alter sections 822 and 823.

**The following regulations establish the criteria for rehabilitation:**

California Code of Regulations, title 16, section [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 if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board 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 the applicant has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (a), the denial is based on professional misconduct, or the denial is based on one or more of the grounds specified in Sections 3527, 3530, or 3531 of the code, the board shall apply the following criteria in evaluating an applicant's rehabilitation:
- (1) The nature and gravity of the act(s), unprofessional conduct as defined in Section 3527 of the code and Section 1399.521.5, professional misconduct, or crime(s) under consideration as grounds for denial.
  - (2) Evidence of any act(s), unprofessional conduct as defined in Section 3527 of the code and Section 1399.521.5, professional misconduct, or crime(s) committed subsequent to the act(s), unprofessional conduct as defined in Section 3527 of the code and Section 1399.521.5, professional misconduct, 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), unprofessional conduct as defined in Section 3527 of the code and Section 1399.521.5, professional misconduct, or crime(s) referred to in subsection (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.
- (c) When considering a petition for reinstatement of a license or a petition for modification or termination of probation under the provisions of section 3530 of the code, the board shall evaluate evidence of rehabilitation submitted by the petitioner considering those criteria specified in this section.

- (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 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:
- (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 the licensee has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the licensee did not make the showing of rehabilitation based on the criteria in subdivision (a), the suspension or revocation is based on a disciplinary action as described in Section 141 of the code, or the suspension or revocation is based on one or more of the grounds specified in Sections 3527, 3530, or 3531 of the code, the board shall apply the following criteria in evaluating a licensee's rehabilitation:
- (1) The nature and gravity of the act(s), disciplinary actions, unprofessional conduct, or crime(s).
  - (2) The total criminal record.
  - (3) The time that has elapsed since commission of the act(s), disciplinary actions, unprofessional conduct, or crime(s).
  - (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.
  - (6) If applicable, evidence of dismissal proceedings pursuant to section 1203.4 of the Penal Code.
  - (7) Evidence, if any, of rehabilitation submitted by the licensee.

## **INSTRUCTIONS FOR COMPLETING A PHYSICIAN ASSISTANT BOARD PETITION FOR REINSTATEMENT, MODIFICATION, OR TERMINATION OF PENALTY**

### **Preliminary**

- A. Read all instructions and information provided. Please note the following requirements for submitting your petition:
- At least three years for reinstatement of a license or approval revoked for unprofessional conduct.
  - At least two years for early termination of probation of three years or more.
  - At least one year for modification of a condition, or reinstatement of a license or approval revoked for mental or physical illness, or termination of probation of less than three years.
  - No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole.
- The Board will reject any petition submitted that does not meet the requirements above.
- B. Type or print your answers legibly on the petition. If additional space is needed for continuing an answer, use a blank page.
- C. Petitions will be returned without review if they are not legible, not fully completed, or not prepared in accordance with these instructions.

## Preparing the Petition

### Disciplinary Decisions

Attach copies of all disciplinary decisions against you by the Physician Assistant Board. If your decision was a stipulation, you must also attach a copy of the accusation. You may print your decision from the Board's website at [www.pab.ca.gov](http://www.pab.ca.gov). Go on your profile by clicking on the "License Search" tab on the homepage. You may also order copies by submitting a request in writing to the Physician Assistant Board, 2005 Evergreen St., Suite 2250, Sacramento, CA, 95815.

### Reference Letters

Attach at least two **verified** reference letters from licensed physicians who have personal knowledge of your activities since your disciplinary penalty was imposed. Letters cannot be more than two months old. The letters should be **only** from physicians licensed by the Medical Board of California or the Osteopathic Medical Board of California.

Instruct your colleagues to **verify** their letters of reference by including the following declaration above their signature lines:

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Reference letters that do not include the above declaration will be rejected.**

Reference letters that contain mostly opinions or conclusions and few documentable facts are of little persuasion. (Example of a non-persuasive letter: "I think he is a fine physician assistant and a credit to that profession.") It is more effective when the reference letters from physicians and colleagues provide personal information about the way in which the petitioner has changed since the disciplinary action was taken.

Be sure to submit the original letters, not copies. The reference letters should be part of the original package and not submitted separately. The letters should include the address and telephone number of the person submitting the letter.

### Narrative Statement Sheet

Try to be brief and concise in telling the Board what you want and the reasons why your request should be granted. Give a brief factual description of the offense that was the basis of your discipline. If applicable, give the history of prior discipline and the history of prior petitions.

Give details of your continuing medical education, training programs, seminars or educational courses as well as any medical journals you read on a regular basis. Emphasis should be put on evidence of rehabilitation. Do not reargue the former case. Give details and documented proof of your rehabilitative efforts and results, including programs, psychotherapy, and medical treatment and their duration. Specifically comment on your current or proposed practice setting and the modalities that will be used to insure consumer protection and safety.

**For reinstatement petitions:** Include in your statement: How long has your license been revoked or surrendered? How have you earned a living since revocation or surrender? What aspect of your rehabilitation do you feel will protect against the reoccurrence of your prior conduct? What are your plans if your license is reinstated? Where will you practice? What type of practice? With any particular person or group? In what ways will it be in the best interest of the public to reinstate your license?

**For modification petitions:** State the specific probation condition you want changed and why. How do you want the terms and conditions changed? How will this change be in the best interest of the public?

**For termination of probation petitions:** How long have you served on probation and how much time remains? What are the compelling reasons for termination of probation? How will the termination of probation be in the best interest of the public?

## National Practitioner Data Bank Report

Please submit a National Practitioner Data Bank (NPDB) report in the sealed envelope directly from the NPDB. You may request the report by going to their website at [www.npdb.hrsa.gov](http://www.npdb.hrsa.gov).

## DMV Printout

Please submit an official Department of Motor Vehicles (DMV) printout with your petition. You may request the official printout by going to their website at [www.dmv.ca.gov/portal/customer-service/request-vehicle-or-driver-records](http://www.dmv.ca.gov/portal/customer-service/request-vehicle-or-driver-records).

## Petition for Reinstatement ONLY

If you are petitioning for reinstatement of a revoked or surrendered license, fingerprints must be obtained and submitted.

- If you reside in California, you must complete a Request for Live Scan Service. The Request for Live Scan Service form is available on the Board's website at [www.pab.ca.gov](http://www.pab.ca.gov) under the "Applicants" tab. The request must be completed by the transmitting agency. After the transmitting agency has signed the request, a copy must be returned with your petition.
- If you reside outside of California, you must request fingerprint cards from the Board; complete and return them with the \$49 processing fee. Both cards must be taken to any law enforcement agency for completion. To obtain the fingerprint cards, contact the Board by email at [paboard@dca.ca.gov](mailto:paboard@dca.ca.gov) or by phone at (916) 561-8780.

*Your petition cannot be processed without completed Live Scan form or fingerprint cards. Do not staple fingerprint cards.*

## Submitting the Petition

Complete and assemble the original Petition for Penalty Relief (including Narrative Statement and Exhibits). Make two copies of the package and clip each package. Once the original petition and copies are submitted, no additional information may be submitted. Mail the original petition and two copies to:

**Physician Assistant Board  
Attn: Enforcement Program  
2005 Evergreen St., Suite 2250  
Sacramento, CA 95815**

## Background Investigation

Once the Board receives a complete petition package, it will be forwarded to an investigator to conduct a background investigation. Once the investigation is complete, the case will be forwarded to the Attorney General's Office to set an administrative hearing.

## Administrative Hearing

An administrative hearing is held for all types of petitions. The Attorney General's Office and their staff will contact you with a written notice of the time, date, and place of the petition hearing. Hearings are scheduled in cities in Northern and Southern California on a rotating basis.

You should be present a half-hour before your appointed time. Most cases are set for one hour. You may appear with or without an attorney.

An administrative law judge (ALJ) sitting alone will preside over the hearing. You will be asked questions under oath. You should apprise the ALJ of any circumstances that have changed since you filed your petition.

### Proposed Decision

After the hearing, the ALJ is permitted 30 days to render a decision, upon which the Board will act. The proposed decision in your case will be mailed approximately 60 days after the hearing. **The decision will not be announced orally at the hearing.**

The entire petition process can take approximately one year from the date the completed petition is received by the Board until the Board renders a final decision in the matter.

If you have any questions regarding your petition, please contact the enforcement analyst at (916) 561-8783.

### NOTICE TO INDIVIDUALS

The Physician Assistant Board is requesting this information pursuant to Section 3530 of the Business and Professions Code. In carrying out its disciplinary responsibilities, the Board requires this information to make a determination on your Petition for Penalty Relief.

Failure to provide all requested information may result in a denial of your petition.

You have a right of access to any personal information about you in our records other than exempt information as defined in Civil Code section 1798.3. The custodian of records is the Executive Officer of the Physician Assistant Board, 2005 Evergreen St., Suite 2250, Sacramento, CA, 95815, telephone number (916) 561-8780.

Information in your petition and exhibits may be provided to other regulatory agencies, including but not limited to the U.S. Department of Justice, California State Board of Pharmacy, Medical Board of California, Department of Consumer Affairs, Department of Health Care Services, and Franchise Tax Board.