

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. DENTAL BOARD OF CALIFORNIA

MODIFIED TEXT

Legend:

For the originally proposed regulatory language:

Added text is indicated with an underline.

Omitted text is indicated by (* * * *).

Deleted text is indicated by ~~strikeout~~.

Modifications to the originally proposed regulatory language are shown in double underline for new text and ~~double strikethrough~~ for deleted text.

Amend section 1018 of Article 4.5 of Chapter 1 of Division 10 of Title 16 of the California Code of Regulations to read as follows:

§ 1018. Disciplinary Guidelines and Exceptions for Uniform Standards Related to Substance-Abusing Licensees.

(a) In reaching a decision on a disciplinary action under the Administrative Procedures Act (Government Code Section 11400 et seq.), the ~~Dental Board of California~~Board shall consider the disciplinary guidelines entitled “Dental Board of California Disciplinary and Denial Guidelines With Model Language”, revised ~~08/30/2010~~February 409, 2023, which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the ~~Dental Board of California~~Board, in its sole discretion, determines that the facts of the particular case warrant such deviation - for example: the presence of mitigating or aggravating factors; the age of the case; evidentiary problems.

(b) Notwithstanding subsection (a), the Board shall use the uniform standards for substance-abusing licensees as provided in Section 1018.01, without deviation, for each individual determined to be a substance-abusing licensee.

(c) Notwithstanding the disciplinary guidelines, any proposed decision issued by an Administrative Law Judge in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any findings of fact that: (1) the licensee engaged in any act of sexual contact with a patient, client or customer; or, (2) the licensee has been convicted of or committed a sex offense, shall contain an order revoking the license. The proposed decision shall not contain an order staying the revocation of the license or placing the licensee on probation.

(d) For the purposes of this section, “sexual contact” has the same meaning as defined in subdivision (c) of Section 729 of the Business and Professions Code and “sex offense” has the same meaning as defined in Section 44010 of the Education Code.

Note: Authority cited: Sections 315, 315.2, 315.4 and 1614, Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 315, 315.2, 315.4, 726, 729, 1680 and 1687, Business and Professions Code; Sections 11400.20 and 11425.50(e), Government Code; and Section 44010, Education Code.