

DENTAL BOARD OF CALIFORNIA
DISCIPLINARY AND DENIAL GUIDELINES WITH MODEL
LANGUAGE

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Issued by
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INTRODUCTION

In keeping with its obligation to protect the consumers of dental services from the unsafe, incompetent, negligent, or impaired dentists and dental auxiliaries, and to establish consistency in disciplinary penalties for similar offenses on a statewide basis, the Dental Board of California (“Board”) has adopted the following recommended guidelines for license denial and disciplinary orders and terms and conditions of probation for violations of the Dental Practice Act and supporting regulations (Division 10 (commencing with section 1000) of Title 16 of the California Code of Regulations (“CCR”)).

The Board carefully considers the totality of the facts and circumstances in each individual case, with the safety of the public being paramount and to the extent not inconsistent with public protection, disciplinary actions shall be calculated to aid in the rehabilitation of the licensee. Consequently, the Board requests that the Administrative Law Judge (“ALJ”) clearly state the factual basis for ~~his or her~~ reaching the decision. This is especially important should the ALJ deviate from the recommended guidelines. The rationale for the deviation should be reflected in the decision to enable the Board to understand the reasons for the deviation and to evaluate the appropriateness of the decision.

These guidelines are for use by administrative law judges, attorneys, and any licensee or individual involved in settlement of disciplinary actionsaccusations or statements of issues proceedings. It is emphasized that these are guidelines, and the Board acknowledges that there may be departures in individual cases depending upon mitigating or aggravating circumstances. Probation terms and conditions are divided into ~~three~~two categories: (1) Standard terms and conditions, to be used in all cases of probation; and (2) Optional terms and conditions, to be imposed dependent upon the circumstances and nature of an individual case; and (3) Uniform Standards for Substance-Abusing Licensees Probationary Terms and Conditions (“Uniform Standards”), to be imposed in accordance with CCR, title 16, section 1018.01, subsection (a), if the individual is found to be a substance-abusing licensee.

Optional terms and conditions will be used to define the extent of the disciplinary action if a given case warrants a penalty above the minimum established but below the established maximum. In a Statement of Issues, ~~e~~Optional terms and conditions also should ~~also~~ be used if a probationary license is issued depending upon the nature and circumstances of the matter.

If after notice and hearing conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the Board finds that the evidence establishes that an individual is a substance-abusing licensee, then the terms and conditions listed in the Board's "Uniform Standards Related to Substance-Abusing Licensees with Standard Language for Probationary Orders" ("Uniform Standards") document shall be used in accordance with CCR, title 16, section 1018.01, subsection (a). Users of these guidelines are directed to use those Uniform Standards terms and conditions exactly as written in that document and in lieu of any similar Standard or Optional terms and conditions that are listed in these guidelines for formulating the penalty in each substance-abusing licensee's case.

If, at the time of hearing, the ALJ finds that the Respondent for any reason is not capable of safe practice, the Board favors outright revocation of the license. If, however, the Respondent has demonstrated a capacity to practice dentistry safely, a stayed revocation order with probation is recommended.

Suspension of a license may also be appropriate where the public may be better protected if the practice of the dentist or dental auxiliary is suspended in order to correct deficiencies in skills, education, or rehabilitation. If there is action taken against a license and the licensee has additional registrations and/or permits issued by the Board, then the Accusation must identify the license and all registrations and/or permits issued to the licensee, and the disciplinary order should reflect action against all of Respondent's licenses, registrations, and/or permits identified in the Accusation.

CRITERIA AND FACTORS TO BE CONSIDERED

~~In determining whether revocation, suspension or probation should be imposed in a given case, factors such as the following should be considered:~~

- ~~1. Nature and severity of the act(s), offense(s), or crime(s) under consideration.~~
- ~~2. Actual or potential harm to the public.~~
- ~~3. Actual or potential harm to any patient.~~
- ~~4. Prior disciplinary record.~~
- ~~5. Number and variety of violations.~~
- ~~6. Mitigation evidence.~~
- ~~7. Aggravating evidence.~~
- ~~8. Rehabilitation evidence.~~

~~9. In case of a criminal conviction, compliance with conditions of sentence and court-ordered probation.~~

~~10. Criminal record.~~

~~11. Time passed since the act(s) or offense(s) occurred.~~

~~12. If applicable, evidence of expungement proceedings pursuant to Penal Code Section 1203.4.~~

Substantially Related Criteria. The Board may deny, suspend, or revoke a license if the applicant or licensee has been convicted of a crime, professional misconduct, or act that is substantially related to the qualifications, functions, or duties of a dentist or dental auxiliary based on the criteria specified in CCR, title 16, section 1019.

Rehabilitation Criteria. When considering the denial, revocation, or suspension of a license, the Board shall consider whether the applicant or licensee has made a showing of rehabilitation in accordance with the criteria specified in CCR, title 16, section 1020.

Evidence of Rehabilitation:

The following documents are examples of evidence the Respondent may submit, and the Board shall consider, to demonstrate ~~his or her~~ the Respondent's rehabilitative efforts and dental competency:

- Successful completion of drug or alcohol treatment program
- Individual or group counseling
- Random, documented biological fluid screening
- Participation in ~~dental~~ recovery support groups
- Education courses taken related to addictive ~~diseases~~ disorders
- Adherence to a 12-step recovery program philosophy, or equivalent
- Written documentation of participation in 12-step recovery groups, or equivalent
- Recent, dated letters from counselors regarding the Respondent's participation in a rehabilitation or recovery program, where appropriate. These should include a description of the program, the number of sessions the Respondent has

attended, the counselor's diagnosis of the Respondent's condition and current state of rehabilitation improvement, the counselor's basis for determining improvement, and the credentials of the counselor and records from a treatment facility.

- For licensees, statements from employers documenting that the employer is aware of the previous drug or alcohol abuse problems. Statements must also substantiate that while employed, there was no evidence of continued alcohol or drug use and that the Respondent performed dental functions in a safe and competent manner. Each statement should include the period of time and capacity in which the person worked with the Respondent and should contain the following sentence at the end: "I declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct." It should be signed by the one making the statement and dated.
- Recent, dated laboratory analyses or drug screen reports, where appropriate.
- Recent, dated performance evaluations from the Respondent's employer.
- Recent, dated physical examination reports by a licensed physician and surgeon, nurse practitioner, or physician assistant.
- Recent, dated Certificates or transcripts of courses related to dentistry that the Respondent completed since the date of the violation. A dentist or dental auxiliary whose license has been revoked can use ~~his or her~~ their former license number to obtain continuing education credit or hours or for any other purpose.
- Recent, dated, written statements and/or performance evaluations from persons in positions of authority who have on-the-job knowledge of the Respondent's work as a dentist or dental auxiliary that include the period of time and capacity in which the person worked with the Respondent. Such reports must be signed under penalty of perjury and will be subject to verification by Board staff.
- Recent, dated, letters from persons familiar with Respondent in either a personal or professional capacity regarding their knowledge of: the Respondent's character; the Respondent's rehabilitation, if any; the conduct of which the Respondent is accused; or any other pertinent facts that would enable the Board to better decide the case. Such letters must be signed under penalty of perjury and will be subject to verification by Board staff.

- Recent, dated, letters from probation or parole officers regarding the Respondent's participation in and/or compliance with terms and conditions of criminal probation or parole, which should include at least a description of the terms and conditions, and the officer's basis for determining compliance. Such letters and reports will be subject to verification by Board staff.

Mitigation Evidence:

- Length of time in practice
- No prior disciplinary action
- Illness or death of a family member or other personal circumstances affecting licensee's performance at the time of the incident
- Early admissions

OTHER SITUATIONS IN WHICH REVOCATION IS THE RECOMMENDED PENALTY

Failure to file a notice of defense or to appear at a disciplinary hearing, where the Board has requested revocation.

Violation of a condition(s) of the Board's Probation Program.

~~Substantiated evidence or convictions of physical abuse or sexual offenses.~~

PROBATION TERMS AND CONDITIONS

The Board's primary responsibility is consumer protection. The Board believes that in disciplinary matters where probation has been imposed, terms and conditions should be established to provide for consumer protection and to allow the probationer to demonstrate rehabilitation.

The following terms and conditions of probation provide for consumer protection and establish a mechanism to monitor the rehabilitation progress of a probationer.

Generally, the Board recommends a minimum of three years of probation unless a longer or shorter term is warranted.

For purposes of implementation of these terms and conditions of probation, any reference to the Board also means staff working for the Dental Board of California or its designee.

LIST OF STANDARD PROBATIONARY TERMS AND CONDITIONS

1. Obey ~~a~~All ~~L~~Laws
2. Quarterly Reports
3. Comply with the Board's Probation Program
4. Address Change, Name Change, License Status
5. Meetings and Interviews
6. ~~Status of Residency, Practice, or Licensure Outside of State~~ Tolling of Probationary Period
7. Submit Documentation
8. Cost Recovery
9. Probation Monitoring Costs
10. License Surrender
11. ~~Function as a Licensee~~
12. Continuance of Probationary Term/Completion of Probation
13. Sale or Closure of an Office or Practice
14. Notification to Employer
15. Disclosure of Probation Status to Patients
16. Civil Penalty

LIST OF ~~ADDITIONAL~~ OPTIONAL PROBATIONARY TERMS AND CONDITIONS

16. Suspension of License

- ~~16-17.~~ Remedial Education
- ~~17-18.~~ Examination
- ~~18-19.~~ Supervised Practice
- ~~19-20.~~ Restricted Practice
- ~~20-21.~~ Third-Party Chaperone-Monitor (Chaperone)
- ~~21-22.~~ Restitution
- ~~22-23.~~ Community Service
- ~~23-24.~~ Psychological Evaluation
- ~~24-25.~~ Psychotherapy
- ~~25-26.~~ Physical Evaluation
- ~~26-27.~~ Diversion Program
- ~~27-28.~~ Biological Testing
- ~~28-29.~~ Abstain from Use of Alcohol, Controlled Substances, and Dangerous Drugs
- ~~29-30.~~ Surrender/Partial Surrender of Drug Enforcement Agency Permit
- ~~30-31.~~ Ethics Course
- ~~31-32.~~ Billing Monitor
- ~~32-33.~~ Solo Practice
- ~~33-34.~~ Controlled Substance - Maintenance of Records and Inventory
- ~~34-35.~~ Clinical Training Program

**MODEL INTRODUCTORY LANGUAGE
TO BE USED FOR ALL PROBATIONARY-DISCIPLINARY OR OTHER
ENFORCEMENT ORDERS**

The following introductory order language should be used is to be included in decisions that place the respondent's license on probation to ensure consistency in proposed decisions and stipulated settlements.

A. ACCUSATION

Revocation of License

IT IS HEREBY ORDERED that [INSERT APPROPRIATE LICENSE/PERMIT CATEGORY] Number [INSERT LICENSE/PERMIT NUMBER(S)] issued to Respondent is revoked.

Respondent shall relinquish and forward or deliver the license and/or permits and wall certificate(s) to the Board within ten (10) days of the effective date of this Decision and Order.

Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$ _____ within thirty (30) days of the effective date of this Decision and Order.

Option: As a condition precedent to reinstatement of the revoked license(s) and/or permit(s), Respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of \$ _____. Said amount shall be paid in full prior to the reinstatement of the license(s) and/or permit(s) unless otherwise ordered by the Board.

Revocation Stayed and License Placed on Probation

IT IS HEREBY ORDERED that [{INSERT APPROPRIATE LICENSE/PERMIT CATEGORY}] Number [{INSERT LICENSE/PERMIT NUMBER(S)}] issued to Respondent is revoked. However, the revocation is stayed, and Respondent's [{INSERT LICENSE/PERMIT CATEGORY}] is placed on probation for [{INSERT NUMBER OF YEARS}] years on the following terms and conditions. [{INSERT TERMS AND CONDITIONS}]

~~In order to provide clarity and consistency in its decisions, the following language should be used in proposed decisions or stipulated agreements for exam applicants, credential~~

applicants ~~[those who hold a license in another state(s)], and for petitioners for reinstatement who are issued a license that is placed on probation.~~

Public Repeal

IT IS HEREBY ORDERED that [INSERT APPROPRIATE LICENSE/PERMIT CATEGORY] Number [INSERT LICENSE/PERMIT NUMBER(S)] issued to Respondent is publicly repealed. This repeal constitutes disciplinary action by the Board and shall become a part of Respondent's license history with the Board.

Surrender of License

Respondent [INSERT NAME OF RESPONDENT] hereby surrenders [INSERT APPROPRIATE LICENSE/PERMIT CATEGORY] Number [INSERT LICENSE/PERMIT NUMBER(S)] as of the effective date of this Decision and Order. Respondent shall relinquish and forward or deliver the license(s) and/or permit(s) and wall certificate(s) to the Board within ten (10) days of the effective date of this Decision and Order.

This Decision and Order constitutes disciplinary action by the Board and shall become a part of Respondent's license history with the Board.

B. PETITION FOR REINSTATEMENT

Grant Petition with No Restrictions on License

IT IS HEREBY ORDERED that ~~t~~The petition for reinstatement filed by petitioner [INSERT NAME OF PETITIONER] is hereby granted, and [INSERT APPROPRIATE LICENSE/PERMIT CATEGORY] Number [INSERT LICENSE/PERMIT NUMBER(S)] shall be fully restored.

Grant Petition and Place License on Probation

IT IS HEREBY ORDERED that ~~t~~The petition for reinstatement filed by petitioner [INSERT NAME OF PETITIONER] is hereby granted, and [INSERT APPROPRIATE LICENSE/PERMIT CATEGORY] Number [INSERT LICENSE NUMBER] shall be reinstated and immediately revoked; however, the revocation shall be stayed and the petitioner shall be placed on probation for a period of [INSERT NUMBER OF YEARS] years on the following terms and conditions: [INSERT TERMS AND CONDITIONS]

Grant Petition and Place License on Probation After Completion of Conditions Precedent

IT IS HEREBY ORDERED that ~~the~~ petition for reinstatement filed by petitioner [INSERT NAME OF PETITIONER] is ~~hereby~~ granted, and [INSERT APPROPRIATE LICENSE/PERMIT CATEGORY] Number [INSERT LICENSE/PERMIT NUMBER(S)] shall be fully reinstated upon the following conditions precedent: [INSERT CONDITIONS] (for example: paying restitution, cost recovery, completion of continuing or remedial education, completion of rehabilitation or recovery program, take licensing examination (American Board of Dental Examiners, Inc. exam (ADEX)))

Upon completion of the conditions precedent above and satisfaction of all statutory and regulatory requirements for issuance of a license, [INSERT APPROPRIATE LICENSE/PERMIT CATEGORY] Number [INSERT LICENSE/PERMIT NUMBER(S)] shall be reinstated and immediately revoked; however, the revocation shall be stayed, and petitioner shall be placed on probation for a period of [INSERT NUMBER OF YEARS] years on the following terms and conditions: [INSERT STANDARD AND APPLICABLE OPTIONAL TERMS AND CONDITIONS]

NOTE: If cost recovery was ordered in the revocation (by an Administrative Law Judge or per stipulated settlement) or surrender of a license (per stipulated settlement) and the cost recovery has not been paid in full by a petitioner, a term of probation requiring payment of the original cost recovery on a payment plan must be included in the reinstatement and decision per Business and Professions Code section 125.3.

Deny Petition

IT IS HEREBY ORDERED that ~~the~~ petition for reinstatement filed by petitioner [INSERT NAME OF PETITIONER] is ~~hereby~~ denied.

C. PETITION TO REVOKE PROBATION

Revocation of Probation

IT IS HEREBY ORDERED that the petition to revoke probation of Respondent is granted, and [INSERT APPROPRIATE LICENSE/PERMIT CATEGORY] Number [INSERT LICENSE/PERMIT NUMBER(S)] issued to Respondent is revoked. Petitioner is not eligible to apply for reinstatement for [INSERT APPLICABLE TIME PERIOD OF THREE YEARS, TWO YEARS OR ONE YEAR AS SPECIFIED BY BUSINESS AND PROFESSIONS CODE SECTION 1686] from the effective date of this decision.

Extension of Probation

IT IS HEREBY ORDERED that [INSERT APPROPRIATE LICENSE/PERMIT CATEGORY] Number [INSERT LICENSE/PERMIT NUMBER(S)] issued to Respondent is revoked; however, the revocation is stayed, and Respondent is placed on probation for an additional [INSERT NUMBER OF YEARS] year(s) from the effective date of this decision on the following terms and conditions:

D. STATEMENT OF ISSUES (APPLICANTS)

Grant License Application and Issue License with No Restrictions

IT IS HEREBY ORDERED that the application filed by Respondent [INSERT RESPONDENT'S NAME] for licensure is hereby granted, and a [INSERT LICENSE/PERMIT CATEGORY] shall be issued to Respondent upon completion of all licensing requirements, including successful completion of the licensing examination and payment of all licensing fees.

If Respondent fails to successfully complete all licensing requirements within twelve (12) months from the effective date of this Decision and Order, a license shall not be issued to Respondent, ~~then~~ and Respondent's application shall be deemed abandoned pursuant to California Code of Regulations, title 16, section 1004, subsection (c), and If Respondent subsequently seeks a [INSERT LICENSE/PERMIT CATEGORY] from the Board, Respondent shall be required to file a new application and meet all of the requirements in effect at the time of reapplication.

Grant License Application and Place License on Probation

IT IS HEREBY ORDERED that the application filed by Respondent [INSERT NAME OF RESPONDENT] for licensure is hereby granted, and a [INSERT LICENSE/PERMIT CATEGORY] shall be issued to Respondent upon completion of all licensing requirements, including successful completion of the licensing examination and payment of all licensing fees. If Respondent fails to successfully complete all licensing requirements within twelve (12) months from the effective date of this Decision and Order, a license shall not be issued to Respondent, and Respondent's application for licensure shall be deemed abandoned pursuant to California Code of Regulations, title 16, section 1004, subsection (c). If Respondent subsequently seeks a license from the Board, Respondent shall be required to file a new license application and meet all of the requirements in effect at the time of reapplication.

If a [INSERT LICENSE/PERMIT CATEGORY] is issued to Respondent. However, the license shall be immediately revoked, the revocation shall be stayed, and Respondent shall be placed on probation for [INSERT NUMBER OF YEARS] years on the following terms and conditions: [INSERT STANDARD AND ANY APPLICABLE OPTIONAL PROBATION TERMS AND CONDITIONS]

~~If Respondent fails to successfully complete all licensing requirements within twelve (12) months from the effective date of this Decision and Order, then Respondent's application shall be deemed abandoned pursuant to California Code of Regulations, title 16, section 1004, subsection (c), and Respondent shall be required to file a new application and meet all of the requirements which are in effect at the time of reapplication.~~

Grant License Application and Place License on Probation After Completion of Conditions Precedent

IT IS HEREBY ORDERED that ~~t~~The application filed by Respondent [INSERT NAME OF RESPONDENT] for [INSERT TYPE OF APPLICATION – LICENSURE OR EXAMINATION FOR LICENSURE] is hereby granted, and a [INSERT LICENSE/PERMIT CATEGORY] shall be issued to Respondent upon completion of all licensing requirements, including successful completion of the licensing examination and payment of all licensing fees, and the following conditions precedent: [INSERT CONDITIONS PRECEDENT] (for example: paying restitution, cost recovery, completion of continuing or remedial education, completion of rehabilitation or recovery program, take licensing examination (American Board of Dental Examiners, Inc. exam – “ADEX”)).

If Respondent fails to successfully complete all licensing requirements and conditions precedent within twelve (12) months from the effective date of this Decision and Order, Respondent's application shall be deemed abandoned pursuant to Business and Professions Code section 142, subdivision (b), and California Code of Regulations, title 16, section 1004, subsection (c). If Respondent subsequently seeks a license from the Board, ~~and~~ Respondent shall be required to file a new application and meet all of the requirements which are in effect at the time of reapplication.

Upon completion of the conditions precedent and satisfaction of all statutory and regulatory requirements for issuance of a license, Respondent shall be issued a [INSERT LICENSE/PERMIT CATEGORY]. However, the license shall be immediately revoked, the revocation shall be stayed, and Respondent shall be placed on probation for (INSERT NUMBER OF YEARS) years on the following terms and conditions:

[INSERT STANDARD AND ANY APPLICABLE OPTIONAL PROBATION TERMS AND CONDITIONS]

Deny License Application

IT IS HEREBY ORDERED that ~~the~~ application filed by Respondent [INSERT NAME OF RESPONDENT] for licensure is ~~hereby denied~~.

~~Exam applicants who are placed on probation:~~

~~The application of respondent _____ for licensure is hereby granted. Upon successful completion of the licensure examination and all other licensing requirements including payment of all fees, a license shall be issued to respondent. Said license shall immediately be revoked, the order of revocation stayed and respondent's license placed on probation for a period of _____ years on the following conditions:~~

~~Credential applicants who are placed on probation:~~

~~The application of respondent _____ licensure is hereby granted and a license shall be issued to respondent upon successful completion of all licensing requirements including payment of all fees. Said license shall immediately be revoked, the order of revocation stayed and respondent's license placed on probation for a period of _____ years on the following conditions:~~

~~Reinstatement of licensure with conditions of probation:~~

~~The application of respondent _____ for reinstatement of licensure is hereby granted. A license shall be issued to respondent. Said license shall immediately be revoked, the order of revocation stayed and respondent's license placed on probation for a period of _____ years on the following conditions:~~

~~NOTE:~~ ~~If cost recovery was ordered in the revocation or surrender of a license and the cost recovery has not been paid in full by a petitioner, a probation condition requiring payment of the original cost recovery on a payment plan must be included in the reinstatement and decision.~~

Language for Additional Permits

It is further ordered that (INSERT TYPE OF ADDITIONAL LICENSE OR PERMIT) Number (INSERT LICENSE OR PERMIT NUMBER) issued to Respondent is revoked. However, the revocation is stayed and Respondent's (INSERT TYPE OF ADDITIONAL LICENSE OR PERMIT) name the certificate(s) is placed on probation for (INSERT NUMBER OF YEARS) years on the following conditions.

STANDARD PROBATIONARY TERMS AND CONDITIONS FOR ALL DECISIONS AND ORDERS

NOTE FOR SUBSTANCE-ABUSING LICENSEE CASES: In addition to the following standard terms and conditions of probation (except standard term No. 13 “Notification to Employer” as explained below), the Board shall use all of the Uniform Standards terms and conditions listed in the document entitled “Uniform Standards Related to Substance-Abusing Licensees with Standard Language for Probationary Orders” as specified in California Code of Regulations CCR, title 16, section 1018.01 in every probationary order where the Board finds that the evidence establishes that an individual is a substance-abusing licensee.

SEVERABILITY CLAUSE – Each term and condition of probation is a separate and distinct ~~condition~~. If any term or condition of this Decision and Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Decision and Order, and all other applications thereof, shall not be affected. Each term and condition of this Decision and Order shall separately be valid and enforceable to the fullest extent permitted by law.

RATIONALE: The severability clause is required for all decisions and orders and stipulated ~~agreements-settlements~~ where there are terms and conditions of probation, to avoid the possibility of all probation terms and conditions being invalidated upon a successful appeal.

(1) OBEY ALL LAWS - Respondent shall obey all federal, state, and local laws and all rules and regulations governing the practice of dentistry in California, and remain in full compliance with any court-ordered criminal probation, criminal court-ordered payments (fines and fees) and other requirements. A full and detailed account of all misdemeanor and felony arrests and convictions occurring during the period of probation shall be reported by Respondent to the Board in writing within seven (7) days of occurrence. To permit monitoring of compliance with this term and conditions, Respondent shall submit a completed California Department of Justice state and federal Livescan fingerprint form, unless previously submitted as part of the licensure application process. Fingerprints shall be submitted within fifteen (15) calendar days of the effective date of ~~the~~this Decision and Order.

CRIMINAL COURT ORDERS: If Respondent is under criminal court orders by any governmental agency, including probation or parole, and the orders are violated, this

shall be deemed a violation of probation and may result in the filing of an accusation or petition to revoke probation or both.

OTHER BOARD OR REGULATORY AGENCY ORDERS: If Respondent is subject to any other disciplinary order from any other ~~health-care~~healthcare related board or any professional licensing or certification regulatory agency in California or elsewhere, and violates any of the orders or conditions imposed by other agencies, this shall be deemed a violation of probation and may result in the filing of an accusation or petition to revoke probation or both.

RATIONALE: All licensees are responsible for abiding by federal, state, and local laws. Licensees are also responsible for complying with criminal court orders. If a licensee is subject to other ~~health-care~~healthcare related board or regulatory agency orders, violations of those orders may adversely impact the licensee's status of his or her disciplinary status with ~~by the Board since disciplinary actions taken by those other agencies for acts substantially related to the practice is cause for discipline of the license per Business and Professions Code section 141.~~ This ~~term~~condition emphasizes the Respondent's responsibility and specifies the Board's authority to take more immediate and severe action if other violations occur. If a licensee whose license is on probation with the Board violates other probationary conditions or orders as imposed by other boards or agencies, violations of those other agencies' orders may indicate that the licensee is ~~they may be unsafe to practice in this state.~~

(2) QUARTERLY REPORTS - Respondent shall submit quarterly reports signed under penalty of perjury stating whether there has been compliance with all ~~the~~terms and conditions of probation. Respondent shall submit a quarterly report no later than seven (7) calendar days from the beginning of the assigned quarter.

RATIONALE: This provides the Board with a mechanism for maintaining communication with the Respondents between meetings, ~~;~~ gathering pertinent information from the Respondent's, and obtaining written materials, ~~(other than routine reports)~~, that might be deemed necessary on an individual basis. This also allows coordination with other state agencies that discipline dentists and dental auxiliaries.

(3) COMPLY WITH THE BOARD'S PROBATION PROGRAM - Respondent shall fully comply with the terms and conditions of probation established by the Board and all requirements necessary to implement the terms and conditions of probation. Respondent shall cooperate with the Board in its monitoring and investigation of ~~the~~ Respondent's compliance with the terms and conditions of probation. Respondent shall

respond to all requests and inquiries from the Board within the time period specified by the Board.

~~Upon successful compliance with the conditions of probation, and completion of the probation term, Respondent's license shall be fully restored.~~

RATIONALE: Full compliance with the terms and conditions of probation demonstrate a Respondent's commitment to rehabilitation and the to correctioning of those the problems ~~which~~ that provided cause for ~~led to~~ the disciplinary action. This also provides the Board with a mechanism for maintaining communication with the Respondent between meetings, gathering pertinent information from the Respondent, and obtaining written materials (other than routine reports) that might be deemed necessary on an individual basis.

(4) ADDRESS CHANGE, NAME CHANGE, LICENSE STATUS – Respondent shall inform the Board, in writing, within fifteen (15) calendar days of any change in ~~his or her~~ Respondent's address of record, physical employment address, physical residence address, and any legal name change. Respondent shall at all times maintain an active, current license with the Board, including ~~while suspended from practice of dentistry during any period of non-practice (see Term No. 6 "Tolling of Probationary Period") or suspension from practice~~ unless otherwise specified by in the disciplinary orders.

Any misrepresentation to the public by Respondent of ~~his or her~~ Respondent's restricted license status ~~to the public~~ shall be a violation of the probation terms and conditions.

RATIONALE: Informing the Board of address and name changes is necessary to ensure ongoing Board monitoring and contact with the Respondent.

(5) MEETINGS AND INTERVIEWS - Respondent shall appear in person for meetings and shall be available by telephone for interviews, unless otherwise ~~as~~ directed by the Board.

RATIONALE: This provides a means for ~~the~~ Board representatives to make periodic assessments of the Respondent, ~~to~~ determine compliance with probation terms and conditions, ~~and~~ ~~to~~ give guidance and directions to licensees on probation.

(6) ~~STATUS OF RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE~~
TOLLING OF PROBATIONARY PERIOD - ~~In the event Respondent should leave California to reside or practice outside the state,~~ Respondent's probation is tolled when Respondent ceases practicing in California ("non-practice"). Respondent must provide

written notification to shall notify the Board in writing within fifteen (15) calendar days of any periods of non-practice lasting more than thirty (30) calendar days and notify the Board within fifteen (15) calendar days of the date of Respondent's return to practice. Any period of non-practice shall not count toward the probationary period and shall result in the Respondent's probationary period being tolled, of the dates of departure and anticipated return to the state. Respondent's probation is tolled, if and when he or she ceases practicing in California. Period of practice outside of California will not apply to the reduction of the probationary period.

Non-practice is defined as any period of time exceeding thirty (30) calendar days in which Respondent is not engaging in dental practice as defined in Business and Professions Code section 1625 or providing dental supportive procedures as a dental auxiliary as defined in California Code of Regulations Section 1067, as applicable, in California for a minimum of sixteen (16) hours per week or sixty-four (64) hours per calendar month. Engaging in [INSERT APPROPRIATE LICENSING CATEGORY, e.g. dentistry, registered dental assistant procedures, registered dental assistant in extended functions procedures, etc.] shall include volunteer dental practice or work in any non-direct patient care position that requires licensure.

It shall be a violation of probation if Respondent's periods of non-practice total two (2) years. However, it shall not be considered a violation of probation if Respondent is residing and practicing in another state in the United States and is on active probation with the licensing authority of that state, in which case the two-year tolling limitation period shall begin on the date probation is completed or terminated in that state.

Periods of non-practice do not relieve Respondent of the responsibility to comply with the terms and conditions of probation. At all times during the probationary period and during any period of non-practice, Respondent shall continue to comply with all of the terms and conditions of probation, including the obligation to maintain an active and current license with the Board (see Term No. 4 "Address Change, Name Change, License Status"), meetings in person for interviews (see Term No. 5 "Meetings and Interviews"), and cost recovery (see Term No. 8 "Cost Recovery").

Respondent shall provide a list of all states, United States territories, and elsewhere in the world where he or she has ever been licensed as a dentist or dental auxiliary or held any health-care related professional license or certificate. Respondent shall further provide information regarding the status of each license and certificate and any changes in the license or certificate status during the term of probation. Respondent shall inform the Board if he or she applies for or obtains a dental or dental auxiliary license or certificate outside of California during the term of probation.

For purposes of this probationary term condition, non-practice due to Board ordered suspension or in compliance with any other condition of probation, shall not be considered a period of non-practice.

RATIONALE: This eEnsures that Respondents may not complete probation without being fully monitored for their period of probation in California. Also, this ensures that Respondents are not relieved from terms and conditions of probation necessary to ensure consumer protection and payment of probation and enforcement costs during any period of out-of-state residency. As such, this also prevents Respondents from avoiding the terms and conditions of probation by merely moving out of state. To ensure Board staff does not monitor tolled Respondents indefinitely and drain staff resources, the tolling provision would establish a two-year tolling period limitation for Respondents to begin and continue to satisfy the full terms of their probation to maintain Board licensure, but provide for situations where Respondents are completing probation in another state.

(7) SUBMIT DOCUMENTATION - Upon request, Respondent shall submit documentation to the Board including, but not limited to the following: Livescan forms, quarterly reports, authorization for release of confidential information.

Such documentation shall be submitted under penalty of perjury, as required by the Board. On a case-by-case basis, documents shall be required to contain statements relative to Respondent's compliance with all the conditions of probation, and compliance with Board instructions.

RATIONALE: This provides the Board with a mechanism for maintaining communication with the Respondent between meetings; gathering pertinent information from the Respondent; and obtaining written materials, other than routine reports, that might be deemed necessary on an individual basis.

(8) COST RECOVERY – Pursuant to Business and Professions Code section 125.3, Respondent is hereby ordered to reimburse the Board the amount of \$_____ within ninety (90) calendar days from the effective date of this eDecision and Order. Respondent shall reimburse the Board the amount of \$ _____ for its enforcement costs, including investigation ~~ve~~ and prosecution, ~~costs~~ up to the date of the hearing. Failure to reimburse the Board's enforcement costs ~~of its investigation and prosecution~~ shall constitute a violation of ~~the probationary order~~, unless the Board or its designee agrees in writing to payment by an installment plan because of financial hardship. Any and all requests for a payment plan shall be submitted in writing by Respondent to the Board.

However, full payment of any and all enforcement costs required by this condition must be received by the Board no later than one (1) year prior to the scheduled termination of probation. ~~Periods of non-practice by Respondent shall not relieve Respondent of his or her obligation to reimburse the Board for its costs.~~

RATIONALE: The Board has statutory authority to ~~collect probation monitoring be reimbursed the reasonable costs of investigation and enforcement of the case,~~ and all orders should contain this provision or include discussion in the Decision as to why cost recovery is not ordered.

(9) PROBATION MONITORING COSTS: All costs incurred for probation monitoring during the entire probationary period shall be paid by ~~the~~ Respondent. The monthly cost may be adjusted as expenses are reduced or increased. Respondent's failure to comply with all terms and conditions of probation may also cause this amount to be increased. All payments for probation monitoring costs are to be sent directly to the Board and must be received by the dates specified.

If Respondent is unable to submit probation monitoring costs payments for any month, ~~he or she Respondent shall instead be required, instead~~ to submit an explanation of why ~~he or she Respondent~~ is unable to submit the probation monitoring costs payments, and the dates ~~he or she Respondent~~ will be able to submit the probation monitoring costs payments, including payment amounts. Supporting documentation and evidence of why ~~the~~ Respondent is unable to make such payments must accompany this submission.

~~In addition to any other disciplinary action taken by the Board, the probationary period will be extended.~~

RATIONALE: The Board has statutory authority to collect probation monitoring costs and all orders should contain this provision.

(10) LICENSE SURRENDER - If Respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the terms and conditions of probation, Respondent may submit a written request to surrender his or her Respondent's license to the Board. The Board shall evaluate Respondent's request and ~~to~~ exercise its discretion whether to grant the request, or ~~to~~ take any other action deemed appropriate and reasonable under the circumstances. Such surrender shall be accomplished through a written stipulated settlement agreement, without the filing of an accusation or petition to revoke probation, and without further hearing. Upon the Board's formal acceptance of the surrender, Respondent shall deliver ~~his or her Respondent's~~ wallet

and wall certificates to the Board or its designee, and Respondent shall no longer practice dentistry or be subject to the terms and conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. If Respondent re-applies for a ~~dentist~~ license issued by the Board, the application shall be treated as a petition for reinstatement of a revoked license.

(11) FUNCTION AS A LICENSEE — Respondent, during the period of probation, shall engage in the practice of ~~[INSERT APPROPRIATE LICENSING CATEGORY, e.g. dentistry, dental hygiene, dental hygiene in extended functions, etc.]~~ in California for a minimum of sixteen (16) hours per week or sixty four (64) hours per calendar month. For the purpose of compliance with this section, "engaged in the practice of ~~[INSERT APPROPRIATE LICENSING CATEGORY]~~ may include, when approved by the Board, volunteer work in ~~[INSERT APPROPRIATE LICENSING CATEGORY]~~, or work in any non-direct patient position that requires licensure.

~~In the event Respondent should leave California to practice outside the state, Respondent must provide written notification to the Board of the dates of departure and anticipated return to the state. Respondent's probation is tolled, if and when he or she ceases practicing in California. Periods of practice outside of California will not apply to the reduction of the probationary period. In the event Respondent ceases to practice a minimum of sixteen (16) hours per calendar week or sixty four hours per calendar month in California, Respondent must provide written notification of that fact to the Board. The period when the Respondent is not practicing, the minimum number of hours, will not apply to the reduction of the probationary period. Absence from practice shall not relieve the Respondent from maintaining a current license or from fulfilling all of the terms and conditions of probation. For purposes of this condition, non-practice due to Board ordered suspension shall not be considered a period of non-practice. If Respondent stops practicing in California for a total of five (5) years, Respondent's license shall be automatically cancelled.~~

~~If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of his or her good faith efforts to comply with this condition, and if Respondent is in compliance with all other probation conditions, the Board, in its sole discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply unless they have been modified by the Board via a petition for modification of probation.~~

RATIONALE: ~~This provides the Board with an opportunity to monitor Respondents and determine if they can perform the functions and duties of his or her licensing category in a competent manner. It also prevents Respondents from merely “sitting out” the probation and avoiding the necessity of demonstrating competence and compliance with probation conditions.~~

(112) CONTINUANCE OF PROBATIONARY TERM/COMPLETION OF PROBATION -

If Respondent violates the terms of this probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may set aside the stay order and impose the revocation or suspension of ~~the~~ Respondent's license. If, during the period of probation, an accusation and/or a petition to revoke probation or both has been filed against Respondent's license, or the Attorney General's Office has been requested to prepare an accusation and/or a petition to revoke probation or both against Respondent's license, the Board shall have continuing jurisdiction until the matter is final, and the probationary period shall automatically be automatically extended and shall not expire until the accusation and/or the petition to revoke probation has been acted upon by the Board. Upon successful completion of probation, Respondent's license will be fully restored.

RATIONALE: The provision ensures that the Board will be able to continue monitoring the practice of licensees who are either out of compliance with ~~his or her~~ their probation terms and conditions or have allegedly committed further acts that constitute a violation of the Dental Practice Act. This is necessary to protect the public from licensees who have already demonstrated a lack of compliance with the Dental Practice Act.

(123) SALE OR CLOSURE OF AN OFFICE AND/OR PRACTICE - If Respondent sells or closes ~~his or her~~ Respondent's office after the imposition of administrative discipline, Respondent shall ensure the continuity of patient care and the transfer of patient records. Respondent shall also ensure that patients are refunded money for dental work not completed, and shall not misrepresent to anyone the reason for the sale or closure of the office and/or practice. The provisions of this term of probation condition in no way authorize the practice of dentistry by ~~the~~ Respondent during any period of license suspension.

RATIONALE: This provision is intended to protect patients of the Respondent who ~~whose dentist of record has been disciplined and he or she needs to or chooses to sell or close his or her~~ their practice.

(134) NOTIFICATION TO EMPLOYER - Prior to engaging in the practice of dentistry or performing dental procedures as a dental auxiliary, as applicable, ~~the~~ Respondent shall provide a true copy of ~~the~~ this Decision and Order, including the underlying

~~and~~ Accusation, Statement of Issues, or Petition to Revoke Probation, to his or her Respondent's employer, supervisor, or contractor, or prospective employer or contractor, and at any other facility where Respondent engages in the practice of dentistry or performing dental procedures as a dental auxiliary, as applicable, before accepting or continuing employment. Respondent shall submit proof of compliance to the Board or its designee within fifteen (15) calendar days. This term of probation~~condition~~ shall apply to any change(s) in Respondent's place of employment.

NOTE: If the Board finds that the evidence establishes that an individual is a substance-abusing licensee, then the Board shall use the term **"NOTIFICATION TO EMPLOYER"** as set forth in the document entitled "Uniform Standards Related to Substance-Abusing Licensees with Standard Language for Probationary Orders" incorporated by reference at California Code of Regulations, title 16, section 1018.01 **in lieu of this term in the probationary order.**

RATIONALE: ~~The condition~~ This term of probation provides the Board with a mechanism for ensuring that the employer providing dental services is informed of the license status of the ~~Respondent~~ so that, if necessary, the work environment can be structured to ensure consumer safety.

(14) DISCLOSURE OF PROBATION STATUS TO PATIENTS =
[Required Only For Probationers Respondents Meeting Requirements In of Business and Professions Code BPC Section 1673]

[Users: Please review this notice prior to considering whether to include this term in any probationary order:

This term of probation is required pursuant to Business and Professions Code (BPC) section 1673 **ONLY** for ~~probationers~~ respondents meeting any of the following criteria:

(1) A final adjudication by the Board following an administrative hearing or admitted findings or prima facie showing in a stipulated settlement establishing any of the following:

1(A) commission of any act of sexual abuse, misconduct, or relations with a patient or client, as defined in BPC sections 726 or 729;

2(B) drug or alcohol abuse directly resulting in harm to patients or to the extent that such use impairs the ability of ~~the~~ Respondent to practice safely;

3(C) criminal conviction directly involving harm to patient health; or,

4(D) inappropriate prescribing resulting in harm to patients and a probationary period of five (5) years or more.

(2) The Accusation or Statement of Issues alleged that Respondent committed any of the acts described in subparagraphs (A) to (D), inclusive, of paragraph (1), and there is a stipulated settlement with the Board based upon a nolo contendere or other similar compromise that does not include any prima facie showing or admission of guilt or fact, but does include an express acknowledgment that the disclosure requirements of BPC section 1673 would serve to protect the public interest.

If any of the foregoing criteria specified in paragraphs (1) or (2) are established ~~meta~~after a final adjudication by the Board following an administrative hearing, or otherwise established via admitted findings or a prima facie showing made in a stipulated settlement, then the following shall be added to the probationary order:]

Respondent shall provide to each patient or the patient's guardian or healthcare surrogate (authorized representative) a separate disclosure that includes Respondent's probation status, the length of the probation, the probation end date, all practice restrictions placed on Respondent by the Board, the Board's toll free telephone number (as currently listed on the Board's website at www.dbc.ca.gov under the tab "Contact Us"), and an explanation of how that the patient can find further information on Respondent's probation on Respondent's profile page on the Board's online license information internet website available at the Board's "License Verification" tab at <https://www.dbc.ca.gov/consumers/index.shtml>. The disclosure shall be provided before the patient's first visit following the probationary order while Respondent is on probation. Respondent shall obtain from the patient, or the patient's guardian or healthcare surrogate, a separate, signed copy of that disclosure, which shall be maintained in the patient's medical record for the entire probationary period. Respondent shall provide records requested by the Board within 15 days of the date of receipt of the request or within the time specified in the request, whichever is later, unless ~~the~~ ~~licensee~~ Respondent is unable to provide the documents within this time period for good cause. For the purposes of this section, "good cause" includes physical inability to access the records in the time allowed due to illness or travel.

Respondent shall not be required to provide the disclosures specified in this term in the following circumstances: 1) the patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of the disclosure and a guardian or healthcare surrogate is unavailable to comprehend the disclosure and sign the copy; 2) the visit occurs in an emergency room or an urgent care facility or the visit is unscheduled, including consultations in inpatient facilities; 3) Respondent will be

treating the patient during the visit and is not known to the patient until immediately prior to the start of the visit; or 4) Respondent does not have a direct treatment relationship with the patient. A direct treatment relationship is where the health care provider delivers health care, provides services or products, or reports the diagnosis and/or results associated with health care, to the patient and not through a third party.

RATIONALE: This disclosure requirement is mandated to be provided in those cases where BPC section 1673 applies, and placement of this disclosure language in the Board's Disciplinary Guidelines ensures consistent implementation and notice to the Respondent of these legal requirements. The method of providing such a requirement is through a disciplinary order issued in accordance with the Administrative Procedure Act or through settlement agreement with the Respondent. In cases where this term does not apply as specified in BPC section 1673, it would not be included in any proposed disciplinary order.

(15) CIVIL PENALTY

[Users: This term of probation shall be included only for Respondents found to have violated BPC section 1684.1.]

Respondent shall pay to the Board a ~~fine~~ civil penalty in the amount of \$ _____ [INSERT DOLLAR AMOUNT pursuant to BPC section 1684.1(a)(1) or (b)(1)] pursuant to Business and Professions Code section 1684.1. Respondent shall make the payments as follows: [INSERT CONDITIONS OF PAYMENT THAT SPECIFY WHEN TO PAY THE BOARD, for example: "by the end of the first year of probation."]

Respondent shall pay the civil penalty by check or money order payable to the Dental Board of California and shall indicate on the check or money order the following: "Civil Penalty: Case No. _____". In lieu of a check or money order, Respondent may make an electronic payment via credit card through the Department of Consumer Affairs' BreEZe online system, which can be accessed at <https://www.breeze.ca.gov>.

RATIONALE: This term of probation is required pursuant to BPC section 1684.1 for a Respondent who fails or refuses to comply with a request for patient dental records or fails or refuses to comply with a court order mandating the release of records to the Board. This term shall only be used if the Accusation specifically alleges violation of BPC section 1684.1 and provides notice that imposition of civil penalties in accordance with BPC section 1684.1 are sought by the Board.

ADDITIONAL OPTIONAL PROBATIONARY TERMS AND CONDITIONS
MODEL LANGUAGE

(165) SUSPENSION - Commencing from the effective date of this ~~decision~~Decision and Order, Respondent shall be suspended from the practice of dentistry [choose either (A) for a minimum period of ~~{[minimum of 14 days]}~~, or (B) until Respondent satisfies the continuing education requirements under BPC section 1645 (Note: The continuous suspension provision noted in (B) shall be used in the case of continuing education violations only.)]. Respondent shall not mislead patients regarding the reasons for the suspension from practicing dentistry.

During the suspension, Respondent shall not practice dentistry directly or indirectly, including the supervision of dental auxiliaries, nor shall Respondent receive or have set aside for future receipt, any ~~new~~ monies derived from the practice of dentistry occurring during the suspension period. ~~as defined by the provisions of Business and Professions Code §section 1625 defines the practice of dentistry and, which~~ includes managing or conducting as manager, proprietor, conductor, lessor, or otherwise, a place where dental operations are performed.

If Respondent operates ~~his or her own~~ a dental office as a solo practitioner or as a one-person professional corporation, said office is to be closed except for administrative purposes (e.g., making future appointments for when the suspension is over, opening mail, referring patients, accepting payments on accounts receivable for monies earned prior to the period of suspension, and general office administration); ~~and~~ Respondent shall not lease the dental office ~~nor~~ make any monetary gain from the practice earned during the suspension period of time that the office is closed. During the suspension period, all probation terms and conditions are in full force and effect except those relating to the actual practice of [INSERT APPROPRIATE LICENSE CATEGORY.]

RATIONALE: This provision is necessary for the protection of the public because in some cases the licensee needs to stop practicing and participate in either rehabilitation or remedial education before resuming practice. ~~And, it is also~~ appropriate in cases where the serious nature of the misconduct warrants a period of suspension from practice or as required for continuing education violations as set forth in BPC section 1645.

(176) REMEDIAL EDUCATION – Within ninety (90) days of the effective date of this ~~decision~~Decision and Order, Respondent shall submit to the Board for its prior approval, an appropriate program of remedial education related to [(the cause of disciplinary

Disciplinary and Denial GuidelinesCCR §4018

action]) in an educational facility or program ~~which that~~ must also ~~to~~ be approved by the Board. [(If appropriate, add: Respondent shall be evaluated by a dental educational institution prior to submitting remedial education courses for approval.)] The exact number of hours and specific content of the program shall be ~~determined~~ approved by the Board or its designee and shall be granted where the course is directly relevant to the subject matter of the causes for discipline in the Board's decision, offered by an approved provider (an American Academy of General Dentistry PACE Program approved organization, an American Dental Association (ADA) Continuing Education Recognition Program (CERP) recognized provider, or a Board approved provider as set forth in CCR section 1016) and where Respondent has met the other requirements of this Term.

Respondent shall submit to the Board, along with the written request for approval, the name of the course provider and a copy of the course outline, syllabus, or a description for the proposed course. The request shall contain, at a minimum, the following:

- (1) A short, descriptive title of the educational program;
- (2) A statement of educational objectives;
- (3) Length of the educational program;
- (4) Sequential and detailed outline of subject matter to be addressed or a list of skills to be learned and how those skills are to be measured; and,
- (5) Instructional mode or methods.

Respondent shall successfully complete the remedial education program and may be required to pass an examination administered by the Board or its designee related to the program's content. [(If appropriate, add: Respondent shall be restricted from the practice of {areas where a deficiency has been identified} until the remedial education program has been successfully completed.)] Failure to satisfactorily complete the required course within the first year of probation shall constitute a violation of probation. Respondent shall pay all costs of the remedial education program.

RATIONALE: In those instances where a licensee has demonstrated negligence or incompetence, or has been found to have performed work or ~~attempting~~ attempted treatment beyond the scope of training or experience, the Board will impose a program of remedial education. This program shall specify the areas and hours of remedial education ~~remediation~~ required, and may also dictate the institution(s) where the education will be received. A remedial education program is usually required prior to allowing the licensee to return to the identified deficient area of practice, and requires prior approval by the Board. Continuing education courses used for renewal of licensure will do not apply to fulfill the remedial education requirement. This program is for

dentists and dental auxiliaries who have demonstrated deficiencies in skill but do not constitute a present danger to patients in other areas of practice.

(187) EXAMINATION – Respondent shall not practice dentistry until ~~he or she~~ Respondent has passed the ~~California clinical examination or~~ American Board of Dental Examiners (ADEX) ~~the Western Regional Examination Board~~ examination. Respondent shall pay all fees related to the examination. If Respondent fails the examination three times, a period of one year must pass prior to retaking the required examination. Under the condition of failure for three times, ~~the~~ Respondent must also show evidence of remediation in the deficient area(s) prior to retaking the examination. Respondent must be successful in each section of the examination in order to fulfill this requirement and may not practice until totally successful. The probationary period is tolled until Respondent passes either examination.

RATIONALE: This term of probation condition ~~concerns~~ itself with those individuals who are significantly deficient in the practice of dentistry or who have had a prior revocation and are petitioning the Board for reinstatement of their license. This term of probation condition will also apply to licensees who have had prior restrictions on practicing in a particular area or specialty ~~field~~. This term of probation condition is particularly recommended in cases where the Respondent has been found to have committed gross negligence, incompetence, or repeated negligence.

(198) SUPERVISED PRACTICE - Within sixty (60) days of the effective date of this ~~d~~Decision and Order, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one or more proposed supervisors and a plan for each such supervisor by which Respondent's practice [of dentistry/general anesthesia or deep sedation/moderate sedation/oral conscious sedation on adult patients/pediatric minimal sedation] would be supervised. The Board will advise Respondent within two (2) weeks whether ~~or not~~ the proposed supervisor and plan of supervision are approved. Respondent shall not practice [of dentistry/general anesthesia or deep sedation/moderate sedation/oral conscious sedation on adult patients/pediatric minimal sedation] until receiving notification of Board approval of Respondent's choice of a supervisor and plan of supervision.

The plan of supervision shall be [~~direct and require the physical presence of the supervising dentist in the dental office during the time dental procedures are performed.~~] [~~general and not require the physical presence of the supervising dentist during the time dental procedures are performed but does require an occasional random check of the work performed on the patient as well as quarterly monitoring visits at the office or place of practice~~]. Additionally, the supervisor shall have full and random

access to all patient records of Respondent. The supervisor may evaluate all aspects of Respondent's practice regardless of Respondent's areas of deficiencies.

Each proposed supervisor shall be a California licensed dentist who shall submit written reports to the Board on a quarterly basis verifying that supervision has taken place as required and include an evaluation of Respondent's performance. It shall be Respondent's responsibility to ~~assure~~ ensure that the required reports are filed in a timely manner. Each supervisor shall have been licensed in California for at least five (5) years and shall not have ~~ever~~ been subject to any prior disciplinary action by the Board. An administrative citation and fine does not constitute discipline and, therefore, in and of itself is not a reason to deny an individual as a supervisor.

The supervisor shall be independent, with no prior or current business, ~~or~~ professional, ~~relationship with Respondent and the supervisor shall not be in a~~ or familial relationship with ~~or be an employee, partner or associate of~~ Respondent. If the supervisor terminates or is otherwise no longer available, Respondent shall not practice until a new supervisor has been approved by the Board. All costs of the supervision shall be borne by ~~the~~ Respondent.

NOTE: If the Board finds that the evidence establishes that an individual is a substance-abusing licensee, then the Board shall use the term "**SUPERVISED PRACTICE**" in the probationary order as set forth in the document entitled "Uniform Standards Related to Substance-Abusing Licensees with Standard Language for Probationary Orders" incorporated by reference at California Code of Regulations, title 16, section 1018.01 **in lieu of** this term in this section.

RATIONALE: This term of probation condition allows the Board to monitor the competency of the Respondent by use of a fellow practitioner. It is most appropriate in those cases involving incompetence, negligence, and sexual misconduct. The type of supervision needs to be clearly defined relative to the necessity for the presence of the supervisor. Direct supervision would require the physical presence of the supervisor during the time dental procedures are performed. General supervision does not require the physical presence of the ~~supervisor~~ supervising dentist. The type of required supervision depends on the severity of the violation(s). In cases where the Respondent's general practice of dentistry has not been determined to require supervision, but instead involves the Respondent's practice of ordering or administering general anesthesia, deep sedation, moderate sedation, oral conscious sedation to adult patients, or pediatric minimal sedation, the area of practice requiring supervision must be identified.

(1209) RESTRICTED PRACTICE - Respondent shall not practice (which includes ~~consulting~~consultation, ~~examining~~examination, and ~~treating~~treatment) in [(area of noted deficiency)] [(shall not treat {male}{female}{minors} patients {without the presence of another party})]. Within thirty (30) days from the effective date of this ~~d~~Decision and Order, Respondent shall submit to the Board, for prior approval, a plan to implement this restriction. Respondent shall submit proof satisfactory to the Board of compliance with this term of probation.

Respondent shall notify all current and prospective patients of the inability to perform the dental procedure of _____ by posting a written notification visible to all patients before they receive any dental treatment. Respondent shall submit documentation ~~which~~that provides satisfactory evidence of compliance with this term of probation.

RATIONALE: ~~The condition~~This term of probation prevents the Respondent from engaging in the practice of dentistry in situations where there is no close supervision and/or where the ~~r~~Respondent could have undue authority over others and access to controlled substances.

(210) THIRD-PARTY CHAPERONE-MONITOR (CHAPERONE) - During probation, Respondent shall have a ~~third-party~~third-party Board-approved monitor present at all times while consulting, examining, or treating [(INSERT PATIENT CATEGORY, e.g., male, female, or minors)] patients. Respondent shall, within thirty (30) calendar days of the effective date of ~~the~~this Decision and Order, submit to the Board for prior approval names of persons who will act as the ~~third-party~~third-party monitor. Each ~~third-party~~third-party monitor shall initial and date each patient dental record at the time the monitor's services are provided. Each ~~third-party~~third-party monitor shall read the Decision and Order(s) and the Accusation(s), Statement of Issues, and/or Petition to Revoke Probation and fully understand the role of the ~~third-party~~third-party monitor.

Respondent shall maintain a log of all patients seen for whom a ~~third-party~~third-party monitor is required. The log shall contain the; 1) monitor's name, 2) patient name, age, gender, address, and telephone number; and 3) date of service. Respondent shall keep this log in a separate file or ledger, in chronological order, ~~and shall~~and shall make the log available for immediate inspection and copying on the premises at all times during business hours by the Board, ~~and shall~~and shall Respondent shall retain the log for the entire term of probation. Failure to maintain a log of all patients requiring a ~~third-party~~third-party monitor, or to make the log available for immediate inspection and copying on the premises, is a violation of probation.

Respondent shall provide written notification prior to treatment to Respondent's affected patients that a ~~third-party~~ third party monitor shall be present during all consultations, examinations, and/or treatments with [INSERT TYPE OF PATIENT, (e.g., male, female, or minor)] patients. Respondent shall maintain in the patient's file a copy of the written notification, ~~shall~~ make the notification available on the premises at all times during business hours for immediate inspection and copying ~~on the premises at all times during business hours~~ by the Board, and ~~shall~~ retain the notification for the entire term of probation. Respondent shall submit documentation to the Board that provides satisfactory evidence of compliance with this term of probation.

RATIONALE: This term of probation ~~condition~~ should only be imposed in those rare instances where the Respondent has shown evidence of rehabilitation and is no longer considered a danger to patients. In those instances where the Respondent is still considered a danger to patients, revocation should be imposed.

NOTE: In those cases where practice is restricted by either scope of practice or by the age or gender of patients, the Respondent must notify all current and prospective patients of the restriction. Respondents found to have violation(s) or conviction(s) of sexual misconduct shall also be placed in a supervised/monitored environment.

(221) RESTITUTION - Within ~~[(30 to 90)]~~ days of the effective date of this ~~d~~Decision and Order, Respondent shall make arrangements for restitution to ~~[(patient or entity)]~~ in the amount of \$ _____ ~~(dollar amount)~~. ~~[(Insert to whom payment is to be made and when it is due. If a payment plan is imposed, insert specifics regarding payment plan.)]~~

RATIONALE: Where there has been patient harm resulting from negligent or incompetent treatment or a determination has been made concerning fraudulent billing, restitution may be warranted. Careful scrutiny should be made to ensure that proper restitution is made to either the patient or any other applicable entity. Restitution may be made within a specific time frame or on a payment schedule. Restitution should cover those amounts that are a direct result of the actions of the Respondent.

(232) COMMUNITY SERVICE - Within sixty (60) days of the effective date of this ~~decision~~Decision and Order, Respondent shall submit to the Board, for its prior approval, a community service program for the ~~[(first year of probation or a specified period of probation)]~~ in which Respondent shall provide volunteer services on a regular basis to a non-profit community or charitable facility or agency for at least ~~[(number of hours per month/year for the first year or specified period of probation)]~~. Such community service shall be ~~[(dental or non-dental)]~~ related.

Community service required by this ~~term condition~~ shall be performed in ~~the State of California~~. Community service performed prior to the effective date of ~~the~~this Decision and Order shall not be accepted in fulfillment of this ~~term condition~~.

Prior to engaging in any community service, Respondent shall provide a true copy of ~~the~~this Decision and Order, including the related Accusation(s), Statement of Issues, and/or Petition to Revoke Probation, to the chief of staff, director, office manager, program manager, officer, or the chief executive officer ~~at~~of every community or non-profit organization where Respondent provides community service, ~~and Respondent shall also submit proof of compliance to the Board or its designee within fifteen (15) calendar days. This term condition shall also apply to any change(s) in community service. All community services must be completed no later than one hundred and twenty (120) calendar days prior to the scheduled termination of probation.~~

RATIONALE: ~~The Dental Practice Act~~Business and Professions Code section 1671, subdivision (e), authorizes the Board to impose the fulfillment of community service as a ~~term condition of probation~~the fulfillment of community service. This is appropriate in those cases where the Respondent has violated the public's trust. If the violation relates to quality of care, the community service shall not be dentally related.

(243) PSYCHOLOGICAL EVALUATION - Within sixty (60) days of the effective date of this ~~d~~Decision and Order, and on a periodic basis thereafter as required by the Board or its designee, Respondent shall undergo a psychological evaluation by a licensed psychiatrist or psychologist approved by the Board. The psychiatrist or psychologist shall have been licensed for a minimum of five (5) years and shall not have been subject to discipline by a regulatory agency. The evaluator shall furnish a detailed written report to the Board regarding Respondent's judgment and ability to practice dentistry independently and safely and other information as the Board may require. The cost of the psychological evaluation shall be paid by Respondent. Respondent shall execute a Release of Information form authorizing the evaluator to release all information to the Board. Respondent shall comply with all of the recommendations of the evaluator ~~unless excused by the Board in its sole discretion. This~~ The Board shall consider this evaluation ~~shall be to be confidential by the Board and is not subject to discovery. Psychological evaluations conducted prior to the effective date of the~~this Decision and Order shall not be accepted towards the fulfillment of this requirement.

OPTION: Respondent shall not engage in the practice of dentistry until notified by the Board in writing of its determination that Respondent is safe to practice dentistry independently and safely. The period of time that Respondent is not practicing shall not be counted toward completion of the term of probation.

Respondent's failure to undergo and complete the psychological evaluation, recommended therapy or to comply with any other recommendations by the evaluator is a violation of probation.

NOTE: If the Board finds that the evidence establishes that an individual is a substance-abusing licensee, then the Board shall use the term "**CLINICAL DIAGNOSTIC EVALUATION**" in the probationary order as set forth in the document entitled "Uniform Standards Related to Substance-Abusing Licensees with Standard Language for Probationary Orders" incorporated by reference at California Code of Regulations, title 16, section 1018.01 **in lieu of** this term in this section.

RATIONALE: This term of probation condition shall be applied, but not limited to, any licensee who may be affected by a psychological problem, who has committed an act of sexual misconduct, or who has suffered a substantially related conviction. This evaluation may be ordered and the results evaluated prior to allowing practice by the Respondent.

(254) PSYCHOTHERAPY - Within forty-five (45) days of the effective date of this ~~Decision and Order~~, or within forty-five (45) days of a determination that psychotherapy is required, Respondent shall submit a proposed therapist and plan of therapy to be approved by the Board. The cost of therapy shall be borne by Respondent. The plan of therapy shall include the nature of the treatment and its proposed duration. The psychotherapist shall agree to submit quarterly reports to the Board regarding the progress and participation of Respondent. The treatment program shall not be terminated except upon Board approval after submission of the results of the program by the psychotherapist.

If there is a need for ongoing psychiatric psychological treatment, Respondent shall, within thirty (30) days of the requirement notice, submit to the Board for its prior approval the name and qualifications of a psychotherapist psychiatrist licensed mental health professional of Respondent's choice. If the psychological evaluation recommends that Respondent seek treatment from a specific type of mental health professional (e.g. psychiatrist, psychologist, licensed clinical social worker or marriage and family therapist), Respondent shall only submit for consideration those who meet that recommendation. Respondent shall undergo and continue psychotherapy until further notice from the Board or its designee. Respondent shall have the treating psychotherapist mental ~~health care~~healthcare professional submit quarterly status reports to the Board or its designee indicating whether ~~the~~ Respondent is capable of practicing dentistry safely.

RATIONALE: This ~~term of probation condition~~ should be imposed whenever there is evidence that the Respondent may have a psychological problem that may impact ~~his or her being able~~ Respondent's ability to practice safely. If the Respondent is already in therapy, this ~~term of probation condition~~ should be imposed to ensure that ~~he or she~~ the Respondent continues to receive help.

(265) PHYSICAL EVALUATION - Within forty-five (45) days of the effective date of this ~~decision~~ Decision and Order, Respondent, at ~~his or her~~ Respondent's expense, shall have a licensed physician and surgeon, who is approved by the Board before the assessment is performed, submit an assessment of ~~the~~ Respondent's physical condition and capability to perform the duties of a dentist or dental auxiliary, as applicable. If medically determined, a recommended treatment program will be instituted and followed by ~~the~~ Respondent with the physician providing written reports to the Board.

If Respondent is determined to be unable to practice dentistry or perform the duties of a dental auxiliary, as applicable, safely with or without restrictions, the licensed physician and surgeon making this determination shall immediately notify the Board and Respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation and/or petition to revoke probation. Upon written notification from the Board or its designee of this determination, Respondent shall immediately cease practice and shall not resume practice until notified by the Board in writing that practice may be resumed. During this period of cessation of practice, Respondent shall not engage in any practice for which a license issued by the Board is required until the Board has notified Respondent that a medical determination permits Respondent to resume practice. This period of cessation of practice shall not apply to the reduction of this probationary time period.

If ~~the~~ Respondent fails to have the above assessment submitted to the Board within the 45-day requirement, Respondent shall receive a written notification from the Board or its designee to cease practicing dentistry within three (3) calendar days after being notified. Respondent's license is immediately suspended, and he or she Respondent shall ~~immediately~~ cease practice and shall not resume practice until notified by the Board in writing that practice may resume. This period of suspension of practice shall not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by ~~the~~ Respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

Physical evaluations conducted prior to the effective date of ~~the~~ this Decision and Order shall not be accepted towards the fulfillment of this requirement.

OPTION: Respondent shall not engage in the practice of dentistry until notified by the Board in writing of its determination that Respondent is safe-able to practice dentistry independently and safely. The period of time that Respondent is not practicing shall not be counted toward completion of the term of probation.

RATIONALE: This term of probation condition shall be applied, but not limited to, any licensee whose ability to practice safely may be affected by a physical condition. This evaluation may be ordered and the results evaluated prior to the Board allowing the Respondent to practice, ~~by the Respondent.~~

(276) DIVERSION PROGRAM - Within seven (7) days of the effective date of this Decision and Order, Respondent shall contact the ~~Program Manager of the Board's~~ Diversion Program or his or her-its designee to schedule an intake, ~~and assessment,~~ and drug testing for evaluation by the Diversion Evaluation Committee (DEC). If Respondent fails to participate in the time required by the Diversion Program in the initial intake and assessments before ~~his or her~~ Respondent's meeting with the DEC, this shall constitute a violation of probation and shall be reported to the enforcement program. If the Board notifies Respondent in writing of such failure to participate in the time required for the initial intake and assessment, ~~he or she~~ Respondent shall immediately cease practicing dentistry or the performance of duties as a dental auxiliary, as applicable, and shall not resume practice until notified by the Board or its designee that practice may be resumed. If the DEC determines that Respondent is not appropriate for the program for reasons other than Respondent's failure to cooperate or make a good faith effort to participate, this ~~condition~~ term of probation will have been met. If accepted into the program, Respondent shall fully comply with the terms and conditions of treatment and any other requirements imposed by the DEC. Any costs incurred shall be paid by Respondent. Failure to successfully complete the DEC treatment Diversion Program shall constitute a violation of probation.

NOTE: If the Board finds that the evidence establishes that an individual is a substance-abusing licensee, then the Board shall use the term "DRUG OR ALCOHOL ABUSE TREATMENT PROGRAM" in the probationary order as set forth in the document entitled "Uniform Standards Related to Substance-Abusing Licensees with Standard Language for Probationary Orders" incorporated by reference at California Code of Regulations, title 16, section 1018.01 in lieu of this term in this section.

RATIONALE: ~~Where~~When it has been determined that in order to protect the public, a licensee or applicant should be evaluated to determine if ~~he or she~~the Respondent should participate in the Board's Diversion Program due to drug or alcohol impairment, this ~~condition~~term of probation should be imposed.

(287) BIOLOGICAL TESTING - Respondent shall submit to and pay for any random biological fluid testing, or hair sample testing, breath alcohol testing or any other mode of testing required by the Board. Respondent shall have the test(s) performed by a Board-approved laboratory within twelve (12) hours upon request by the Board, or sooner if so requested by the Board, and ~~this shall~~ ensure that the test results are sent immediately to the Board. Failure to comply within the time specified shall be considered an admission of a positive drug screen and constitutes a violation of probation. If a test results in a determination that the urine admission was too diluted for testing, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation. If an "out of range result" is obtained, the Board may require Respondent to immediately undergo a physical examination and to complete laboratory or diagnostic testing to determine if any underlying physical condition has contributed to the diluted result and to cease practice. Any such examination or laboratory and testing costs shall be paid by Respondent. An "out of range result" is one ~~in which~~that, based on scientific principles, indicates ~~the~~that Respondent attempted to alter the test results in order to either render the test invalid or obtain a negative result when a positive result should have been the outcome. If it is determined that Respondent altered the test results, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation, ~~and~~ Upon written notification from the Board or its designee, Respondent shall ~~must~~ cease practicing. Respondent shall not resume practice until notified by the Board.

NOTE: If the Board finds that the evidence establishes that an individual is a substance-abusing licensee, then the Board shall use the term "DRUG AND ALCOHOL TESTING" as set forth in the document entitled "Uniform Standards Related to Substance-Abusing Licensees with Standard Language for Probationary Orders" incorporated by reference at California Code of Regulations, title 16, section 1018.01 in lieu of this term in the probationary order.

RATIONALE: This term of probation ~~condition~~ will allow the Board to monitor the Respondent in order to ascertain if he/she is substance and/or chemical free. It is to be required when the Respondent has violated any alcohol and/or substance abuse prohibitions.

(298) ABSTAIN FROM USE OF ALCOHOL, CONTROLLED SUBSTANCES, AND DANGEROUS DRUGS - Respondent shall abstain completely from the possession, injection, or consumption of ~~by~~ any route, including inhalation, of all psychotropic (mood altering) drugs, ~~including alcohol, and including~~ controlled substances as defined in the California Uniform Controlled Substances Act (Health and Safety Code section 11007), dangerous drugs as defined by Business and Professions Code ~~S~~section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed by a physician and surgeon, dentist, or nurse practitioner for a bona fide illness or condition. Within fifteen (15) calendar days of receiving any lawfully ~~prescription~~ prescribed medications, Respondent shall notify the Board in writing of the following: prescriber's name, address, and telephone number; medication name and strength; ~~issuing pharmacy's~~ issuing pharmacy's name, address, and telephone number; and specific medical purpose for medication. Respondent shall also provide a current list of prescribed medication with the prescriber's name, address, and telephone number on each quarterly report submitted. Respondent shall provide the Board with a signed and dated medical release covering the entire probationary period.

Respondent shall identify for the Board's approval a single coordinating physician and surgeon who shall be aware of Respondent's history of substance abuse and who will coordinate and monitor any prescriptions for Respondent ~~for to use~~ dangerous drugs, controlled substances, or psychotropic or mood altering drugs. Once a Board-approved physician and surgeon has been identified, Respondent shall provide a copy of ~~the accusation and decision~~ this Decision and Order, including the related Accusation, Statement of Issues, or Petition to Revoke Probation, to the physician and surgeon. The coordinating physician and surgeon shall report to the Board on a quarterly basis Respondent's compliance with this term of probation ~~condition~~. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of such substances.

The Board may require that only a physician and surgeon who is a specialist in addictive medicine be approved as the coordinating physician and surgeon.

If Respondent has a positive drug screen for any substance not legally authorized, and the Board files a petition to revoke probation or an accusation, Respondent shall be automatically suspended from practice pending the final decision on the petition to revoke probation or accusation. This period of suspension will not apply to the reduction of this probationary period.

NOTE: If the Board finds that the evidence establishes that an individual is a substance-abusing licensee, then the Board shall use the term "**ABSTAIN FROM USE**"

OF ALCOHOL, CONTROLLED SUBSTANCES AND DANGEROUS DRUGS” as set forth in the document entitled “Uniform Standards Related to Substance-Abusing Licensees with Standard Language for Probationary Orders” incorporated by reference at California Code of Regulations, title 16, section 1018.01 **in lieu of** this term in the probationary order.

RATIONALE: Abstinence from mood altering substances (alcohol/drugs) is necessary for compliance with the Board’s Probation Program and to ensure successful rehabilitation. Abstinence from any psychotropic drug is required to prevent the substitution of one addicting substance with another.

(2309) SURRENDER/PARTIAL SURRENDER OF DRUG ENFORCEMENT AGENCY PERMIT -

Option 1:

~~Controlled Substances~~—Within sixty (60) days of the effective date of this ~~d~~Decision and Order, Respondent shall submit to the Board proof of surrender of Respondent’s Drug Enforcement Agency (DEA) Permit. Respondent shall not apply for a new DEA permit without prior written approval from the Board.

OR

Option 2:

Respondent shall not prescribe, administer, dispense, order, or possess any controlled substances as defined by the California Uniform Controlled Substances Act (Health and Safety Code section 11007), [~~(except for those drugs listed in Schedule(s)_____)~~] of the Act and/or prescribed to Respondent for a bona fide illness or condition by another practitioner. Respondent shall ensure that ~~the~~Respondent’s Drug Enforcement Agency (DEA) Permit is modified to reflect this restriction and submit proof submitted to the Board of this modification within sixty (60) days of the modification.

RATIONALE: In cases of substance abuse ~~/or~~ violation of statutes regulating the procurement, dispensing, or administration of controlled substances and dangerous drugs, this term of probation condition must be imposed.

(3130) ETHICS COURSE - Within thirty (30) days of the effective date of this ~~d~~Decision and Order, Respondent shall submit for prior Board approval a course in ethics that will be completed within the first year of probation. Units obtained for an approved course in

ethics shall not be used for continuing education units required for renewal of licensure. No correspondence or Internet courses shall be allowed. An ethics course taken after the acts or omissions that gave rise to the charges in the ~~a~~ Accusation, but prior to the effective date of ~~the~~ this Decision and Order may, in the sole discretion of the Board, be accepted towards the fulfillment of this term of probation~~condition~~.

Respondent shall submit to the Board, along with the written request for approval, the name of the course provider and a copy of the course outline, syllabus, or a description for the proposed course. The request shall contain, at a minimum, the following:

- (1) A short, descriptive title of the educational program;
- (2) A statement of educational objectives;
- (3) Length of the educational program;
- (4) Sequential and detailed outline of subject matter to be addressed or a list of skills to be learned and how those skills are to be measured; and,
- (5) Instructional mode or methods.

RATIONALE: In those cases involving fraud, false advertising, excessive billing, or negligence, ~~this condition~~ term of probation will be imposed and may also be imposed in other cases, if applicable.

(324) BILLING MONITOR – Within sixty (60) days of the effective date of this ~~d~~ Decision and Order, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one or more persons to act as a billing monitor. The proposed billing monitor(s) shall have been a licensed dentist for at least five (5) years ~~be approved and shall not have ever been~~ subject to any prior disciplinary action by the Board. Once the Board has approved a billing monitor, Respondent shall submit a plan by which the billing monitor will provide monitoring of Respondent's billing practices.

All proposed billing monitors shall be independent and have, ~~with~~ no professional or personal relationship with Respondent, including a friendship, intimate, romantic or familial relationship with Respondent or be an employee, contractor, partner, or associate of Respondent. If, at any time during the period of probation, the billing monitor quits or is otherwise unavailable to perform ~~his or her~~ the monitoring duties, ~~within fifteen (15) calendar days of the same,~~ Respondent, within fifteen (15) calendar days thereof, shall submit to the Board, for its prior approval, the name and qualifications of one or more persons to become a replacement~~the~~ monitor.

The billing monitor shall submit written reports to the Board on a quarterly basis verifying that monitoring has taken place as required. It shall be Respondent's responsibility to ensure that the required reports are filed in a timely manner.

Respondent shall give the billing monitor access to all of Respondent's dental practice business records including financial and patient records. Monitoring shall consist of at least four (4) hours, per quarter, of review of Respondent's records. This review shall take place in Respondent's office and/or place of employment. If the billing monitor prepares a quarterly report to the Board ~~which~~ that finds substantial errors or omissions in Respondent's billing, and/or that otherwise reports questionable billing practices, monitoring may be increased at the discretion of the Board and Respondent shall immediately comply therewith. All costs of monitoring shall be borne by ~~the~~ Respondent.

Each ~~supervising~~ billing monitor shall have read this Decision and Order and the related Accusation.

RATIONALE: Recommended in cases involving capping, steering, fees for patient referrals, or any other type of billing irregularities or fraud.

(332) SOLO PRACTICE - Respondent is prohibited from engaging in the solo practice of dentistry.

RATIONALE: Like similar terms and conditions, this term of probation condition prevents the ~~Respondent~~ from engaging as a sole practitioner in the practice of dentistry in situations where there is no close supervision and/or where the ~~Respondent~~ could have undue authority over others and/or access to controlled substances.

(343) CONTROLLED SUBSTANCE - MAINTENANCE OF RECORDS AND INVENTORIES - Respondent shall maintain a record of all controlled substances ordered, prescribed, dispensed, administered, or possessed by Respondent, during probation, showing all the following: 1) the name and address of patient; 2) the date; 3) the character and quantity of controlled substances involved; and 4) the indications and diagnosis for which the controlled substances were furnished. Respondent shall keep these records in a separate file or ledger, in chronological order. All records and any inventories of controlled substances shall be available for immediate inspection and copying on the premises by the Board or its designee at all times during business hours and shall be retained for the entire term of probation. Failure to maintain all records, to provide immediate access to the inventory, or to make all records available for immediate inspection and copying on the premises, is a violation of probation.

RATIONALE: This should only be used for dentist license/permit cases. In cases of substance abuse/or violation of statutes regulating the procurement, dispensing, or administration of controlled substances and dangerous drugs, this term and condition must be imposed.

(354) CLINICAL TRAINING PROGRAM - Within sixty (60) days of the effective date of this Decision and Order, Respondent shall enroll in a clinical training or educational program offered by an approved California Dental School. The program shall consist of 1) a comprehensive assessment comprised of a two-day assessment of Respondent's basic clinical and communication skills common to all clinicians; ~~and 2) dental~~ knowledge, skill, and judgment pertaining to ~~R~~espondent's specialty or sub-specialty (if ~~he or she~~ Respondent has one); and 3) at a minimum, a 40-hour program of clinical education in the area of practice for which Respondent was alleged to be deficient and that takes into account data obtained from the assessment, administrative decisions and accusations, and any other information that the Board deems relevant. Respondent shall pay all expenses associated with the clinical training program.

Based on Respondent's performance and test results in the assessment and clinical education, the program will advise the Board of its recommendations for the scope and length of any additional education or clinical training or anything else affecting Respondent's practice of dentistry.

At the completion of any additional education or training, ~~R~~espondent shall submit to and pass an examination. The program's determination as to whether or not Respondent passed the examination or successfully completed the program shall be binding.

Respondent shall complete the program no later than six (6) months after Respondent's initial enrollment unless the Board agrees in writing to a later time for completion.

Failure to participate in and successfully complete ~~successfully~~ all phases of the clinical training program as outlined above is a violation of probation.

Option #1: Condition Precedent

Respondent shall not practice dentistry until ~~he or she~~ Respondent has successfully completed the program and has been so notified by the Board in writing, except that Respondent may practice in a clinical training program approved by the Board.

Respondent's practice of dentistry shall be restricted to that which is required by the program.

Option #2: Condition Subsequent

If Respondent fails to complete the clinical training program within the designated time period, Respondent shall cease the practice of dentistry within seventy-two (72) hours after being notified by the Board that Respondent failed to successfully complete the program.

RECOMMENDED PENALTIES

Unless otherwise noted, all sections listed in this section B&P refers to the Business and Professions Code.

Section 123-B&P Subversion of Examinations

Maximum Penalty: Revocation or denial of license or ~~Statement of Issues denying~~ denial of admission into examination.

Minimum Penalty: Revocation stayed, five (5) years' probation

1. Standard Terms and Conditions (1-134)
2. Community Service, 40 hours per year (232)
3. Ethics Course (3130)

Section 125.6-B&P Refusal to Treat Patient

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation.

1. Standard Terms and Conditions (1-134)
2. Ethics Course (3130)

Additional ~~T~~erms and Conditions if ~~W~~arranted Based Upon Nature and Extent of Violation(s):

1. Suspension, 30 days (165)

Section 125.9B&P Failure to Comply with Citation

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation

1. Standard Terms and Conditions (1-134)
2. Suspension, 30 days (~~15~~), as an additional terms and conditions, if warranted (16)

3. Compliance with citation, if applicable

Section 480(a)(1) Conviction of a Crime (Applicants)
Section 1628.5

Maximum Penalty: Denial of license application. License application denial is recommended for criminal convictions involving physical abuse or sexual offenses.

Minimum Penalty: License issued; revoked; revocation stayed, three (3) to five (5) years' probation depending upon the nature of the criminal offense

- 1. Standard Terms and Conditions (1-13 and 14 if BPC section 1673 applies)
- 2. Community Service, 40 hours per year (23)
- 3. Ethics Course (31)

For individuals determined to be substance-abusing, also use the Uniform Standards terms and conditions listed in the document entitled "Uniform Standards Related to Substance-Abusing Licensees with Standard Language for Probationary Orders" as specified in California Code of Regulations, title 16, section 1018.01.

Conviction with sex offender registry, see Section 1687

Section 480(a)(2) Formal Discipline by a Licensing Board for Professional Misconduct

Maximum Penalty: License denial

Minimum Penalty: License issued; revoked; revocation stayed, three (3) to five (5) years' probation, depending upon the nature of the professional misconduct

- 1. Standard Terms and Conditions (1-13 and 14 if BPC section 1673 applies)
- 2. Impose ~~similar~~ any Optional Terms and eConditions similar to those terms and conditions used ~~as indicated by~~ in other licensing board's disciplinary order

Section 498-B&P License Secured by Fraud or Misrepresentation

Maximum Penalty: Revocation, Revocation in all cases in which the licensee Respondent is not qualified for the license.

Minimum Penalty: Revocation stayed, five (5) years' probation

- 1. Standard Terms and Ceonditions (1-134)
- 2. Suspension, 30 days (165)
- 3. Community Service, 40 hours per year (232)
- 4. Ethics Course (3130)

**Section 650-B&P Accepting or Receiving Rebates
Section 1680(g)-B&P**

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation

- 1. Standard Terms and Ceonditions (1-134)
- 2. Suspension, 30 days (165)
- 3. Community Service-, 40 hours per year (232)
- 4. Ethics Course (3130)

For more serious cases, the following additional terms and conditions should be imposed:

- 1. Suspension, 30 days (165)

Section 650.2(i)-B&P Patient Referral Service-Failure to Disclose

Maximum Penalty: Revocation of registration of dental service.

Minimum Penalty: Revocation stayed, two (2) years' probation

- 1. Standard Terms and Ceonditions (1-134)
- 2. Community Service-, 40 hours per year (232)
- 3. Ethics Course (3130)

Also see Section 1680(g)

Section 651-B&P False, Misleading, or Deceptive Public Communications

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, two (2) years' probation and correct advertising

- 1. Standard Terms and Conditions (1-134)
- 2. Community Service-, 40 hours per year (232)
- 3. Ethics Course (3130)

See Section 1680(h)-(l)

**Section 654.1-B&P Prohibits Patient Referral of Patients to Laboratories
wWithout Disclosure of Beneficial Interest**

Maximum Penalty: Revocation of registration of dental referral service.

Minimum Penalty: Revocation stayed, two (2) years' probation

- 1. Standard Terms and Conditions (1-134)
- 2. Ethics Course (3130)

**Section 654.2-B&P Prohibits cCharges, bBillings, sSolicitations, or
rReferrals wWithout dDisclosure of bBeneficial iInterest.**

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, two (2) years' probation

- 1. Standard Terms and Conditions (1-134)
- 2. Community Service, -40 hours per year (232)
- 3. Ethics Course (3130)

Section 725-B&P

**Repeated Acts of Clearly Excessive Prescribing,
Furnishing, Dispensing or Administration of Drugs or
Treatment or Administration of Drugs**

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, Five (5) years' probation

1. Standard Terms and Conditions (1-14)
2. Remedial Education, Prescribing Practice Course (176)
3. Community Service, -40 hours per year (232)
4. Surrender/Partial Surrender of DEA Permit (4309)
5. Ethics Course (3130)
6. Controlled Substance - Maintenance of Records and Inventories (343)

In more serious cases the following additional terms and conditions should be imposed:

1. Suspension, 60 days (165)
2. Examination (187)
3. Supervised Practice (198)

See Section 1680(p)

Section 726-B&P

Commission of Act of Sexual Abuse or Misconduct With Patient-

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, five (5) years' probation for consensual sex with one patient

1. Standard Terms and Conditions (1-14)
2. Ethics Course (3130)
3. Professional Boundaries program
4. Psychological/iatric Evaluation (24)
5. Third-Party Chaperone/Monitor (Chaperone) (2120)
6. Suspension, 60 days, as additional terms and conditions, if warranted (16)
7. Psychotherapy, as additional terms and conditions, if warranted (25)
8. Restricted Practice, as additional terms and conditions, if warranted (20)

See also Sex Offender Registry, Section 1687.

Section 732-B&P Failure to Refund Overpayments to Patients

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation

1. Standard Terms and Conditions (1-134)
2. Restitution (224)
3. Ethics Course (3130)

Section 810-B&P Insurance Fraud

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, Five (5) years' probation

1. Standard Terms and Conditions (1-143)
2. Suspension, 60 days (165)
3. Remedial Education, in book keeping (176)
4. Restitution (224)
5. Community Service-, 50 hours (232)
6. Ethics Course (3130)
7. Billing Monitor (324)

See Section 1680(a)

Section 822-B&P Psychological or Physical Illness

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation, depending on severity.

Psychological Illness:

1. Standard Terms and Ceonditions (1-134)

2. Psychological Evaluation (243)
3. Psychotherapy (254)

Additional terms and conditions if the licensee Respondent is suffering from a serious psychological illness:

1. Suspension from practice until determined safe to practice after completing psychological evaluation (243)-
2. Supervised pPractice (198)
3. Solo pPractice (332)

Physical Illness:

1. Standard Terms and Ceonditions (1-134)
2. Physical eEvaluation (265)
3. Solo pPractice (332)

Additional terms and conditions if the licensee Respondent is suffering from a serious physical illness:

1. Suspension from practice until determined safe to practice after completing physical evaluation (265)
2. Supervised pPractice (198)
3. Solo pPractice (332)

Section 1611.5-B&P Inspection of Books, Records, and Premises

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation

1. Standard Terms and Conditions (1-134)
2. Ethics Course (3130)

Sections 1638.1(j) Violation of Elective Facial Cosmetic Surgery (EFCS) Requirements

Maximum Penalty: Revocation of license/permit and/or denial of permit

Minimum Penalty: Revocation stayed, five (5) years' probation

1. Standard Terms and Conditions (1-13)
2. Suspension, 30 days if practicing without ever having been issued a permit (16)
3. Ethics Course (31)

Section 1638.5 Oral and Maxillofacial Surgery (OMS) Permit - Failure to Possess Current Valid License to Practice Medicine

Minimum Penalty: Automatic suspension during any time in which the OMS permit holder does not possess a current valid license to practice medicine in California.

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Sections 1645, 1680(n) B&P Continuing Education Violations

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation, ~~30 days actual suspension~~ until compliance with BPC section 1645 is obtained, and compliance within one (1) year

1. Standard Terms and Conditions (1-143)
2. Community sService, 40 hours per year (232)
3. Ethics Course (3130)

~~For More Serious Cases, the Following Additional terms and Conditions Should be Imposed:~~

- ~~4. Suspension, 30 days (165)~~

Section 1680(n)

Sections 1646.1, 1646.7 B&P Administration of General Anesthesia (GA) Without a Permit/Failure to Renew a Permit

Maximum Penalty: Revocation of ~~Licensure~~ license and/or ~~Ddenial of P~~ Denial of Permit

Minimum Penalty: Revocation stayed, five (5) years' probation

1. Standard Terms and Conditions (1-134)

2. Suspension, 30 days ~~(15)~~ if practicing without ever having been issued a permit (16).
3. Ethics Course (31)

Sections 1646.1(b), 1646.7 Administration of General Anesthesia to Patient Under 7 Years of Age Without a Pediatric Endorsement/Failure to Possess a Pediatric Endorsement

Maximum Penalty: Revocation of license and or general anesthesia permit and/or denial of pediatric endorsement

Minimum Penalty: Revocation stayed, five (5) years' probation

1. Standard Terms and Conditions (1-13)
2. Suspension, 30 days if practicing without ever having been issued a permit (16)
3. Ethics Course (31)

Sections 1646.1(d), 1646.7 Violation of Requirements for Administration of General Anesthesia or Deep Sedation to Patients Under 13 Years of Age

Maximum Penalty: Revocation of license, general anesthesia permit, and/or pediatric endorsement

Minimum Penalty: Revocation stayed, five (5) years' probation

1. Standard Terms and Conditions (1-13)
2. Suspension, [30] days (16)
3. Remedial Education (17)
4. Supervised Practice (19)
5. Restricted Practice (20)
6. Ethics Course (31)

See also Section 1682 for additional grounds for discipline and corresponding penalties.

Sections 1647.2, 1647.9 ~~B&P~~ Administration of ~~Conscious~~Moderate Sedation Without a Permit/Failure to Renew a Permit

Maximum Penalty: Revocation of License/revocation of license and/or Denial of Permit

Minimum Penalty: Revocation stayed, five (5) years' probation

1. Standard Terms and Conditions (1-13)
2. Suspension, 30 days (15) if practicing without ever having been issued a permit (16).
3. Ethics Course (31)

Sections 1647.2(b), 1647.9 Administration of Moderate Sedation to a Patient Under 13 Years of Age Without a Pediatric Endorsement/Failure to Renew a Pediatric Endorsement

Maximum Penalty: Revocation of license and/or general anesthesia, and/or moderate sedation permit (as applicable) and/or denial of pediatric endorsement

Minimum Penalty: Revocation stayed, five (5) years' probation

1. Standard Terms and Conditions (1-13)
2. Suspension, 30 days if practicing without ever having been issued a pediatric endorsement (16)
3. Ethics Course (31)

Sections 1647.2(c), 1646.9 Violation of Requirements for Administration of Moderate Sedation to Patients Under 13 Years of Age

Maximum Penalty: Revocation of license, general anesthesia and/or moderate sedation permit (as applicable), and/or pediatric endorsement

Minimum Penalty: Revocation stayed, five (5) years' probation

1. Standard Terms and Conditions (1-13)

2. Suspension, [30] days (16)
3. Remedial Education (17)
4. Supervised Practice (19)
5. Restricted Practice (20)
6. Ethics Course (31)

See also Section 1682 for additional grounds for discipline and corresponding penalties.

**Sections 1647.11, 1647.17 B&P Administration of Oral Conscious Sedation
Without a pPermit – Minors**

~~Maximum Penalty: Revocation of Licensurelicense and/or Ddenial of Ppermit~~

~~Minimum Penalty: Revocation stayed, five (5) years' probation~~

- ~~1. Standard Terms and Conditions (1-134)~~
- ~~2. Suspension, 30 days (15) if practicing without ever having been issued a permit (16).~~
- ~~3. Ethics Course (3130)~~

**Sections 1647.19, 1647.25 B&P Administration of Oral Conscious Sedation
Without a pPermit -Adults**

Maximum Penalty: Revocation of Licensurelicense and/or Ddenial of Permit

Minimum Penalty: Revocation stayed, five (5) years' probation

1. Standard Terms and Conditions (1-134)
2. Suspension, 30 days (15) if practicing without ever having been issued a permit (16).
3. Ethics Course (3130)

**Sections 1647.31, 1647.34 Administration of Pediatric Minimal Sedation
Without a Permit and/or Pediatric Endorsement**

Maximum Penalty: Revocation of license and/or general anesthesia and deep sedation permit and/or moderate sedation permit, and/or the pediatric

endorsement for the moderate sedation permit, and/or denial of pediatric minimal sedation permit

Minimum Penalty: Revocation stayed, five (5) years' probation

1. Standard Terms and Conditions (1-13)
2. Suspension, 30 days if practicing without ever having been issued a permit (16)
3. Ethics Course (31)

Sections 1647.31(b), (c), 1647.34 Violation of Requirements for Administration of Pediatric Minimal Sedation

Maximum Penalty: Revocation of license, general anesthesia and deep sedation permit, and/or moderate sedation permit (as applicable), and/or the pediatric endorsement for the moderate sedation permit, and/or pediatric minimal sedation permit

Minimum Penalty: Revocation stayed, five (5) years' probation

1. Standard Terms and Conditions (1-13)
2. Suspension, [30] days (16)
3. Remedial Education (17)
4. Supervised Practice (19)
5. Restricted Practice (20)
6. Ethics Course (31)

Section 1658.6 Failure to Comply with Additional Office Requirements

Maximum Penalty: Revocation of permit

Minimum Penalty: Revocation stayed, five (3) years' probation

1. Standard Terms and Conditions (1-13)
2. Remedial Education (17)
3. Ethics Course (31)

Section 1670-B&P Gross Negligence, Incompetence, Repeated Acts of Negligence

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) two (2)-years' probation depending on nature and extent of the violation

1. Standard Terms and Conditions (1-13)
2. Remedial Education (176)
3. Supervised Practice (198)
4. Community Service, 40 hours per year ~~(22)~~, as an additional terms and conditions, if warranted (23)

Additional terms and conditions, if warranted based on nature and extent of violation(s):

1. Suspension (165)
2. Examination (187)
3. Restricted pPractice (4209)
4. Solo pPractice (332)
5. Clinical ~~t~~Training pProgram (354)

Section 1670.1-B&P Conviction of a Crime (Licensees)
Section 490

Maximum Penalty: Revocation. Revocation is recommended for criminal convictions involving physical abuse or sexual offenses.

Minimum Penalty: Revocation stayed, three (3) to five (5) years' probation depending upon the nature of the criminal offense

1. Standard Terms and Conditions (1-143) and 14 if BPC section 1673 applies)
2. Suspension, 30 days ~~(15)~~-depending on the nature of the criminal offense (16)
3. Community Service-, 40 hours per year (232)
4. Ethics Course (3130)

For individuals determined to be substance-abusing, also use the Uniform Standards terms and conditions listed in the document entitled "Uniform Standards Related to Substance-Abusing Licensees with Standard Language for Probationary Orders" as specified in California Code of Regulations, title 16, section 1018.01.

Conviction with sex offender registry, see Section 1687

Section 1671-B&P Violation of Probation

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed and ~~extension of probationary period~~ extended probation depending upon the nature of the violation

The maximum penalty should be given for repeated similar offenses.

**Sections 1670 and 1680 Unprofessional Conduct – Failure to Provide
Records to Board
CCR Section 1018.05(a)**

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, two (2) years' probation

1. Standard Terms and Conditions (1-13)
2. Remedial Education (17)
3. Community Service-, 50 hours (23)
4. Ethics Course (31)

**Sections 1670 and 1680 Unprofessional Conduct – Failure to Report
CCR Section 1018.05(b)**

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, two (2) years' probation

1. Standard Terms and Conditions (1-13)
2. Remedial Education (17)
3. Community Service-, 50 hours (23)
4. Ethics Course (31)

Sections 1670 and 1680 Unprofessional Conduct – Failure to Provide Records to Patient
Health and Safety Code Section 123110(h)

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, two (2) years' probation

1. Standard Terms and Conditions (1-13)
2. Suspension, 60 days (16)
3. Community Service-, 50 hours (23)
4. Ethics Course (31)

Section 1680(a)-B&P or Obtaining Any Fee by Fraud or Misrepresentation
Section 810-B&P Insurance Fraud

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, five (5) years' probation

1. Standard Terms and Conditions (1-143)
2. Suspension, 60 days (165)
3. Remedial Education (176)
4. Restitution (224)
5. Community Service-, 50 hours (232)
6. Ethics Course (3130)
7. Billing Monitor (3234)

Section 1680(b)-B&P Employment of Any Student or Suspended or Unlicensed Dentist

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation

1. Standard Terms and Conditions (1-134)
2. Suspension, 60 days (15), as an additional terms and conditions, if warranted (16)

3. Community Service-, 40 hours (~~222~~)
4. Ethics Course (~~3130~~)

Section 1680(c)-B&P Aiding or Abetting Unlicensed Practice

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation

1. Standard Terms and Conditions (1-134)
2. Suspension, 60 days (~~15~~), as an additional terms and conditions, if warranted (14)
3. Community Service-, 50 hours per year (~~232~~)
4. Ethics Course (~~3130~~)

**Section 1680(d)-B&P Aiding or Abetting Licensed Person to Practice
Dentistry Unlawfully**

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation

1. Standard Terms and Conditions (1-134)
2. Suspension, 60 days (~~15~~), as an additional terms and conditions, if warranted (16)
3. Remedial Education (~~176~~)
4. Restitution (~~224~~)
5. Community Service-, 40 hours per year (~~232~~)
6. Ethics Course (~~3130~~)

Section 1680(e)-B&P Sexual Abuse, Misconduct, or Relations with a Patient

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, Five (5) years' probation

1. Standard Terms and Conditions (1-14)
2. Suspension, 60 days (~~165~~)
3. Remedial Education (~~176~~)

4. Supervised Practice (198)
5. Third-Party ~~Chaperone~~ Monitor (Chaperone) (2120)
6. Community Service, 50 hours per year (232)
7. Psychological Evaluation (243)
8. Psychotherapy (254)
9. Ethics Course (3130)
10. Solo Practice (332)

Sex offender registry, see Section 1687.

Section 1680(f) ~~B&P~~ Use of False or Fictitious Name

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, two (2) years' probation

1. Standard Terms and Conditions (1-134)
2. Suspension, 30 day ~~(15)~~-suspension where the use of the name involved substantial deception of the public related to the practice of dentistry (16).
3. Ethics Course (3130)

Section 1680(g) Accepting or Receiving Commission or Rebates

Section 650 ~~B&P~~

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation

1. Standard Terms and Conditions (1-13)
2. Community Service, 40 hours per year (23)
3. Ethics Course (31)

Section 1680(h) ~~B&P~~ Use of Deceptive or Misleading Advertising Statements

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation and correct advertising

1. Standard Terms and Conditions (1-134)
2. Community Service-, 40 hours per year_(232)
3. Ethics Course (3130)

Section 1680(i) ~~B&P~~ Advertising of Professional Superiority

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation and correct advertising

1. Standard Terms and Conditions (1-134)
2. Community Service-, 40 hours per year (232)
3. Ethics Course (3130)

Section 1680(j) ~~B&P~~ Employing or Making uUse of Solicitors

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation

1. Standard Terms and Conditions (1-134)
2. Community Service-, 40 hours per year (232)
3. Ethics Course (3130)

Section 1680(k) ~~B&P~~ Any Advertising that Violates Section 651 of the Business and Professions Code

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, two (2) years' probation and correct advertising

Please ~~s~~See Section 651 ~~B&P~~ for proposed penalty.

Section 1680(l) ~~B&P~~ Advertising to Guarantee Any Dental Service or to Perform Dental Operations Painlessly

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, two (2) years' probation and correct advertising as appropriate

1. Standard Terms and Conditions (1-134)
2. Community Service-, 50 hours per year (232)
3. Ethics Course (3130)

Section 1680(m) ~~B&P~~ Violation of any Law Regulating the Dispensing or Administration of Dangerous Drugs or Controlled Substances

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation

1. Standard Terms and Conditions (1-143 and 14 if BPC section 1673 applies)
2. Suspension-, 60 days (~~15~~), as additional terms and conditions, if warranted (16)
3. Remedial Education (176)
4. Supervised ~~environment~~ Practice (198)
5. Ethics Course (3130)
6. Controlled Substances - Maintenance of Records and Inventories (343)

Additional terms and conditions:

1. Community Service, 40 hours per year (232)
2. Diversion Program (276)
3. Biological Testing (287)
4. Abstain from ~~u~~Use of ~~a~~Alcohol, ~~e~~Controlled ~~s~~Substances, and ~~d~~Dangerous ~~d~~Drugs (298)
5. Surrender/~~p~~Partial ~~s~~Surrender of DEA ~~p~~Permit (2309)

For individuals determined to be substance-abusing, also use the Uniform Standards terms and conditions listed in the document entitled "Uniform Standards Related to

Substance-Abusing Licensees with Standard Language for Probationary Orders” as specified in California Code of Regulations, title 16, section 1018.01.

Section 1680(o) ~~B&P~~ Permitting any Person to Operate Radiographic Equipment in Violation of the Law

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, ~~F~~five (5) years’ probation

1. Standard Terms and Conditions (1-134)
2. Suspension, 60 days (165)
3. Community Service-, 40 hours per year (232)
4. Ethics Course (3130)

Section 1680(p) ~~B&P~~ Clearly Excessive Prescribing or Administering Drugs or Treatment

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, five (5) years’ probation

1. Standard Terms and Conditions (1-14)
2. Remedial Education (174)
3. Community Service, 40 hours per year (232)
4. Surrender/Partial Surrender of DEA Permit (2309)
5. Ethics Course (3130)
6. Controlled ~~s~~Substance - Maintenance of Records and Inventories (343)

For more serious cases, the following additional terms and conditions should be imposed:

1. Suspension, 60 days (163)
2. Supervised ~~p~~Practice (198)
3. Restitution (224)
4. Clinical Training Program (354)

See Section 725.

Section 1680(q)-B&P Use of Threats or Harassment to Dissuade Testimony

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, five (5) years' probation

- 1. Standard Terms and Conditions (1-134)
- 2. Suspension, 60 days (165)
- 3. Community Service, 40 hours per year (232)
- 4. Ethics Course (3130)

Section 1680(r)-B&P Suspension or Revocation by Another State

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, five (5) years' probation

- 1. Standard Terms and Conditions (1-134)
- 2. Impose similar conditions as indicated by other state-
- 3. Ethics Course (3130)

For individuals determined to be substance-abusing, also use the Uniform Standards terms and conditions listed in the document entitled "Uniform Standards Related to Substance-Abusing Licensees with Standard Language for Probationary Orders" as specified in California Code of Regulations, title 16, section 1018.01.

Section 1680(s)-B&P Alteration of Patient Records

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, five (5) years' probation, correction of condition

- 1. Standard Terms and Conditions (1-134)
- 2. Remedial Education (176)
- 3. Supervised Environment Practice (198)
- 4. Community Service, 40 hours per year (232)
- 5. Ethics Course (3130)

For more serious violations, the following additional terms and conditions should be imposed:

Suspension, 60 days (165)

Section 1680(t) Unsanitary Conditions

Maximum Penalty: Revocation

Minimum Penalty: Revocation, stayed three (3) years' probation

1. Standard Terms and Conditions (1-134)
2. Remedial Education (176)

If violation does not warrant a ~~3~~-three-year probationary period, consideration should be given to a lesser probationary period with a requirement to take a course in infection control approved by the Board.

In more serious cases:

Suspension, 30 days (165)

Section 1680(u)-~~B&P~~ Abandonment of Patient

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, five (5) years' probation

1. Standard Terms and Conditions (1-134)
2. Community Service, 40 hours per year (232)
3. Ethics Course (3130)

For those more serious violations, the following condition should be imposed:

Suspension, 30 days (165)

Section 1680(v)-~~B&P~~ Misrepresenting the Facts Regarding Disciplinary Action

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation.

1. Standard Terms and Conditions (1-134)
2. Ethics Course (~~3130~~)

Section 1680(w)-~~B&P~~ Fraud in the Procurement of Any License

Maximum Penalty: Revocation. Revocation in all cases in which Respondent~~the licensee~~ is not qualified for the license.

Minimum Penalty: Revocation, five (5) years' probation

1. Standard Terms and Conditions (1-143)
2. Suspension, 30 days (~~165~~)
3. Community Service, 40 hours per year (~~232~~)
4. Ethics Course (~~3130~~)

Section 1680(x)-~~B&P~~ Actions that would Warrant Denial of a License

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, five (5) years' probation

1. Standard Terms and Conditions (1-134); and

Any other conditions as appropriate and consistent with these guidelines based on the particular action.

Section 1680(y)-~~B&P~~ Aiding or Abetting Negligent or Incompetent Practice

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, five (5) years' probation

1. Standard Terms and Conditions (1-134)
2. Suspension, 30 days (~~165~~)

3. Remedial Education (~~17~~6)
4. Examination (~~17~~) if appropriate (18)
5. Supervised ~~Environment~~ Practice (198)
6. Restricted ~~p~~ Practice (~~1209~~)
7. Ethics Course (3130)

Section 1680(z) ~~B&P~~ Failure to Report Patient Death or Hospitalization

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, five (5) years' probation

1. Standard Terms and Conditions (1-134)
2. Ethics Course (3130)

For more serious cases, the following additional terms and conditions should be imposed:

- ~~1.~~ Suspension, 30 days (165)

Section 1680(aa) ~~B&P~~ Participating In or Operating Any Group Advertising or Referral Services that is not Registered by the Board
Section 650.2

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, two (2) years' probation

1. Standard Terms and Conditions (1-134)
2. Suspension, six (6) months' suspension from advertising through referral services
3. Community Service, 40 hours per year (232)
4. Ethics Course (3130)

(~~Section 650.2 B&P~~)

Section 1680(ab) ~~B&P~~ Failure to uUse a Fail-Safe Machine

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation

1. Standard Terms and Conditions (1-134)
2. Proof of Correction Through Obtaining and Using Correct Machine
3. Remedial Education (176)

Section 1680(ac) Engaging in Practice of Dentistry with an Expired License

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, two (2) years' probation

1. Standard Terms and Conditions (1-134)
2. Suspension, 30 days (~~15~~), as an additional terms and conditions, if warranted (16)
3. Ethics (~~3130~~)

Section 1680(ad) ~~Unsafe and Sanitary Conditions~~ Failure to Follow Infection Control Guidelines

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation

1. Standard Terms and Conditions (1-134)
2. Suspension, 30 days (165)
3. Remedial Education- in infection control (176)
4. Proof of correction of the condition

If violation is not severe enough to warrant a ~~3~~ three-year probationary term, consideration should be given to a lesser probationary period with a requirement to take a course in infection control approved by the Board.

Section 1680(ae) ~~The Use of Dental Auxiliaries Beyond the Scope of the License~~

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation

1. Standard Terms and Conditions (1-134)
2. Suspension, -60 days (15), as an additional terms and conditions, if warranted (16)
3. Remedial Education -in scope of practice for dental auxiliaries (176)
4. Proof of correction of the condition

If violation is not severe enough to warrant a ~~3~~three-year probationary term, consideration should be given to a lesser probationary period with a requirement to take a course in the scope of practice of a dental auxiliary approved by the Board.

**Section 1680(af) Prescribing, Dispensing, or Furnishing Dangerous
Drugs or Devices Through the Internet Without
Examination and Medical Indication**

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, five (5) years' probation

1. Standard Terms and Conditions (1-13 and 14 if BPC section 1673 applies)
2. Remedial Education, Prescribing Practice Course (17)
3. Community Service, 40 hours per year (23)
4. Surrender/Partial Surrender of DEA Permit (30)
5. Ethics Course (31)

Section 1680(ag) Use of Non-Sterile Irrigation on Exposed Dental Pulp

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation

1. Standard Terms and Conditions (1-13)
2. Suspension, 30 days (16)
3. Remedial Education in infection control (17)
4. Proof of correction of the condition. Proof of correction of the condition shall include the following:

- (a) Submit to inspection of new or repaired equipment, as applicable, upon demand by the Board or its designee at the Board's offices.
- (b) Photographs or receipts showing repairs or improvements made to the equipment related to the violation.
- (c) The provision of copies of office policies updated to include procedures for avoiding relapse or recurrence of the violation, and.
- (d) Documentation that training directly related to the violation was provided to the staff (certificate or declaration of completion from the training provider and description of the type of training provided).

If violation is not severe enough to warrant a three-year probationary term based on the facts of the specific case, consideration should be given to a lesser penalty with a requirement to take a course in infection control approved by the Board pursuant to CCR section 1070.6.

.....
Section 1680(ah) Failure to Perform Examination

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation

- 1. Standard Terms and Conditions (1-13)
- 2. Remedial Education (17)
- 3. Community Service, 40 hours per year (23)
- 4. Ethics Course (31)

.....
Section 1681(a)-B&P Unlawfully Obtain or Possess Substance Abuse, Possession or Control, Alcohol Abuse, or Conviction related to Controlled Substances or Dangerous Drug

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, five (5) years' probation

- 1. Standard Terms and Conditions (1-143 and 14 if BPC section 1673 applies)
- 2. Supervised Practice (198)

3. Abstain from uUse of aAlcohol, Controlled sSubstances, and dDangerous dDrugs (298)
4. Surrender/Partial sSurrender of DEA pPermit (2309)
5. Ethics Course (3130)
6. Controlled Substance - Maintenance of Records and Inventories (343)

Optional Conditions Where Appropriate:

1. Psychological Evaluation (243)
2. Psychotherapy (254)
3. Diversion Program (276)
4. Biological ~~Fluid~~-Testing (287)

For individuals determined to be substance-abusing, also use the Uniform Standards terms and conditions listed in the document entitled "Uniform Standards Related to Substance-Abusing Licensees with Standard Language for Probationary Orders" as specified in California Code of Regulations, title 16, section 1018.01.

Section 1681-(b)-B&P Use of dDrugs/aAlcohol eCausing dDanger to pPatient

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, seven (7) years' probation

1. Standard Terms and Conditions (1-143 and 14 if BPC section 1673 applies)
2. Suspension, 60 days (165)
3. Supervised Practice (198)
4. Psychological Evaluation (243)
5. Psychotherapy (254)
6. Diversion Program (276)
7. Biological ~~Fluid~~-Testing (287)
8. Abstain from Use of Alcohol, Controlled Substances, and Dangerous Drugs (298)
9. Surrender/Partial Surrender of DEA pPermit (2309)
10. Ethics Course (3130)
11. Controlled Substance - Maintenance of Records and Inventories (343)
12. Disclosure of Probation Status to Patients – shall be included if drug or alcohol abuse directly resulted in harm to patients or the extent that such use impaired the ability of Respondent to practice safely (14)

For individuals determined to be substance-abusing, also use the Uniform Standards terms and conditions listed in the document entitled "Uniform Standards Related to Substance-Abusing Licensees with Standard Language for Probationary Orders" as specified in California Code of Regulations, title 16, section 1018.01.

Section 1681-(c) ~~B&P~~ Drug or Alcohol Criminal Conviction of violating state drug statutes

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, five (5) years' probation

1. Standard Terms and Conditions (1-143 and 14 if BPC section 1673 applies)
2. Suspension, 60 days (165)
3. Supervised Practice (198)
4. Psychological Evaluation (243)
5. Psychotherapy (254)
6. Diversion Program (276)
7. Biological Testing (287)
8. Abstain from ~~u~~Use of Alcohol, Controlled Substances, and Dangerous Drugs (298)
9. Surrender/Partial Surrender of DEA ~~p~~Permit (2309)
10. Ethics Course (3130)
11. Controlled Substance ~~-~~ Maintenance of Records and Inventories (343)

For individuals determined to be substance-abusing, also use the Uniform Standards terms and conditions listed in the document entitled "Uniform Standards Related to Substance-Abusing Licensees with Standard Language for Probationary Orders" as specified in California Code of Regulations, title 16, section 1018.01.

Section 1682 ~~B&P~~ Violation of Requirements re Patients Undergoing Conscious Sedation or General Anesthesia

Maximum Penalty: Revocation of ~~licensure~~license, and/or P~~permit,~~ and/or pediatric endorsement

Minimum Penalty: Revocation stayed, five (5) years' probation

1. Standard Terms and Conditions (1-134)
2. Remedial Education (176)
3. Examination (187)
4. Supervised Practice (198)
5. Restricted Practice (4209)
6. Ethics Course (3130)

See Sections 1647-B&P 1646.1(d), 1646.7 (general anesthesia and deep sedation); 1647.2(c), 1646.7 (moderate sedation)

Section 1683-B&P Treatment Entries in Patient Records

Maximum Penalty: Revocation of ~~license~~ license and/or Ppermit

Minimum Penalty: Revocation stayed, three (3) years' probation

1. Standard Terms and Conditions (1-135)
2. Remedial Education (176)

If violation is not severe enough to warrant a ~~3~~ three-year probation, consideration should be given to a lesser probationary period or public reprimand with a requirement to take a course approved by the Board in how to maintain patient records.

Section 1683.1 Telehealth Information Disclosure

Maximum Penalty: Revocation of license and/or permit

Minimum Penalty: Revocation stayed, three (3) years' probation

1. Standard Terms and Conditions (1-13)
2. Ethics Course (31)

Section 1683.2 Agreement Limiting Patient Ability to File Board Complaint

Maximum Penalty: Revocation of license and/or permit

Minimum Penalty: Revocation stayed, three (3) years' probation

1. Standard Terms and Conditions (1-13)
2. Ethics Course (31)

Section 1684-B&P Service Beyond the Scope of License

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation

1. Standard Terms and Conditions (1-134)
2. Community Service, 40 hours per year (232)
3. Ethics Course (3130)

Options and additions where appropriateAdditional terms and conditions, if warranted based upon nature and extent of violation(s):

1. Suspension (165)
2. Remedial Education (176)
3. Examination (187)
4. Supervised Practice (198)
5. Restricted Practice (4209)
6. Restitution (224)
7. Clinical Training Program (354)

Section 1684.1 Refusal to Release Patient Dental Records to Board

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, three (3) years' probation

1. Standard Terms and Conditions (1-13, 15)
2. Remedial Education (17)
3. Ethics Course (31)

Section 1685-B&P

Permitting Dental Care that Discourages Necessary or Encourages Excessive or Improper Treatment

Maximum Penalty: Revocation

Minimum Penalty: Revocation stayed, five (5) years' probation

- 1. Standard Terms and Conditions (1-134)
- 2. Ethics Course (3130)

Options and additions where appropriateAdditional terms and conditions, if warranted based upon nature and extent of violation(s):

- 1. Suspension, 30 days (165)
- 2. Remedial Education (176)
- 3. Examination (187)
- 4. Restitution (224)
- 5. Clinical Training Program (354)

Section 1687 Registered Sex Offender

Maximum and Minimum Penalty: Revocation or denial of license
