



ISSUE MEMORANDUM

DATE	August 6, 2009
TO	SB 1441 Substance Abuse Coordination Committee
FROM	SB 1441 Uniform Standards Staff Working Group Kim Madsen, BBS
SUBJECT	SB 1441 Uniform Standard #12

SB 1441 REQUIREMENT

(12) Criteria that a licensee must meet in order to petition for reinstatement of a full and unrestricted license.

DRAFT UNIFORM STANDARD #12

“Petition for Reinstatement” as used in this standard is an informal request (petition) as opposed to a “Petition for Reinstatement” under the Administrative Procedure Act.

The licensee must meet the following criteria to request (petition) for a full and unrestricted license.

1. Demonstrated sustained compliance with the terms of the disciplinary order, if applicable.
2. Demonstrated successful completion of recovery program, if required.
3. Demonstrated a consistent and sustained participation in activities that promote and support their recovery including, but not limited to, ongoing support meetings, therapy, counseling, relapse prevention plan, and community activities.
4. Demonstrated that he or she is able to practice safely.

DISCUSSION

The workgroup approached this standard by first defining the term “petition for reinstatement” as this term represents several different meanings depending on the circumstances and setting in which it is used. For an example, an individual whose license is revoked through a disciplinary order is afforded the opportunity under the Administrative Procedures Act (Government Code Section 11522) and individual board statutes to petition for reinstatement of the license after a specified time period has passed. Therefore, the workgroup determined for the purposes of this standard, that the term “petition for reinstatement” is an informal request by a licensee whose license has been restricted through another process.

The workgroup considered that a licensee would benefit from established criteria to be met prior to petitioning for reinstatement of his/her license. However, the workgroup recognized that it while it was important to establish criteria; it was equally important to provide the individual board the flexibility to determine if a licensee could return to unrestricted practice without compromising consumer protection. Therefore, the criterion was established with these considerations.

The workgroup did not receive any written or public comment on this standard.

CONS

Adopting the recommended criteria for this standard pose no risk to public safety and is in accordance with DCA’s mandate to ensure consumer protection.

PROS

The criteria recommended by the workgroup are ones that can be followed in all cases. The criterion allows the licensee and the individual board the flexibility in determining the licensee’s suitability to resume a full time practice without restrictions and ensures a high level of consumer protection.