

Dental Hygiene Committee of California
Proposed Language

Section 1138 Division 11 of Title 16, Article 10 entitled “Uniform Standards Related to Substance Abuse and Disciplinary Guidelines” of the California Code of Regulations is added to read:

Article 10. Uniform Standards Related to Substance Abuse and
Disciplinary Guidelines

Section 1138. Uniform Standards Related to Substance Abuse and Disciplinary
Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Section 11400 et seq. of the Government Code) the Committee shall comply with the “Uniform Standards Related to Substance Abuse and Disciplinary Guidelines” dated April 2012 that are hereby incorporated by reference. Deviation from the Disciplinary Guidelines, including the standard terms of probation, is appropriate where the Committee, in its sole discretion, determines that the facts of the particular case warrant such a deviation. However, neither the Committee nor an administrative law judge may impose any conditions or terms of probation that are less restrictive than the Uniform Standards Related to Substance Abuse. The Disciplinary Guidelines apply to all disciplinary matters; the Uniform Standards describe the consequences that apply to a substance abusing licensee. If a licensee has not been identified as a substance abusing licensee, for example, through stipulation, in a case involving drugs or alcohol, a clinical diagnostic evaluation shall be ordered and the remaining provisions of the uniform standards may be made contingent at the discretion of the Committee (DHCC) upon a clinical diagnostic evaluator’s report that the licensee has a substance abuse problem. The clinical diagnostic evaluation report shall be submitted in its entirety to the Committee.

Note: Authority cited: Sections 315, 315.4, 1905 and 1906 of the Business and Professions Code; and Section 11400.20 of the Government Code. Reference: Sections 315, 315.2, 315.4, 1947, 1949, 1950 and 1950.5 of the Business and Professions Code; and Sections 11400.20 and 11425.50(e) of the Government Code.