

**DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 13.**

MEDICAL BOARD OF CALIFORNIA

**PROPOSED REGULATORY LANGUAGE
Fees for Petitions for Penalty Relief**

Legend: Added text is indicated with an <u>underline</u> . Deleted text is indicated with a single strikethrough .

Adopt Section 1352.3 in Article 15 of Chapter 1 of Division 13, of Title 16 of the California Code of Regulations and Amend Section 1359 of Article 3 of Chapter 2 of Division 13 to read as follows:

§ 1352.3. Fees for Petitions for Penalty Relief.

(a) The fee required to process a petition for modification or termination of probation is \$1,949.

(b) The fee required to adjudicate a petition for modification or termination of probation once the petition is accepted by the Board to be set for hearing as specified in Section 1359 is \$19,043.

(c) The fee required to process a petition for reinstatement of a revoked certificate or a certificate surrendered pursuant to a stipulation to settle a disciplinary action is \$3,738.

(d) The fee required to adjudicate a petition for reinstatement of a revoked certificate, or a certificate surrendered pursuant to a stipulation to settle a disciplinary action, once the petition is accepted by the Board to be set for hearing as specified in Section 1359 is \$19,043.

Note: Authority cited: Sections 2018 and 2307.5, Business and Professions Code.
Reference: Section 2307 and 2307.5, Business and Professions Code.

§ 1359. Petitions for Reinstatement or Modification of Probation.

(a) A petition for modification or termination of probation or a petition for reinstatement of a revoked ~~or surrendered~~ certificate shall be filed on a form provided by the ~~division~~ Board along with the applicable nonrefundable fee required by Section 1352.3 for processing the petition.

~~(b) Consideration shall be given to a petition for reinstatement of license or modification or termination of probation only when a formal request for such has been filed in the division's office in Sacramento at least thirty (30) days before a regular meeting of the division or appropriate medical quality review panel.~~

(b) Fees paid to the Board as required by this section shall be submitted in the form of a money order, certified check, cashiers' check, preprinted personal or company check, which shall clearly indicate the name of the petitioner to whom it applies. Processing of any petition shall commence only after the fee specified in subsection (a) has been received, the payment clears the petitioner's bank, and the funds are deposited in the Board's account within 30 days of the check or money order being deposited.

(c) If payment is made in accordance with subsection (b), the petition is not withdrawn by the petitioner or rejected by the Board for failing to meet the requirements set forth in Section 2307 of the Code or this section, and the petition is eligible to be set for hearing through the Office of Administrative Hearings (OAH), the petitioner shall be provided written notice that the Board has accepted the petition to be set for a hearing. Written notice shall include that: (1) the petition has been accepted by the Board to be set for a hearing, (2) the matter will be set for a petition hearing before an administrative law judge (ALJ) assigned by OAH upon payment to the Board of the applicable non-refundable fee for adjudication of the petition as set forth in Section 1352.3; and (3) payment must be made and cleared for deposit of funds with the Board within 90 days of the date the Board sent the written notification of acceptance of the petition to be set for hearing.

(d) Failure to comply with the requirements of this section shall result in the petition being rejected by the Board as incomplete. Written notice of such rejection and the reasons therefore shall be provided to the petitioner upon the Board's determination that the petitioner has not met the requirements of this section.

NOTE: Authority cited: Section 2018 and 2307.5, Business and Professions Code.
Reference: Section 2307 and 2307.5, Business and Professions Code.