

ACUPUNCTURE BOARD

Proposed Regulatory Language Retroactive Fingerprinting

(1) Adopt section 1399.419.1 of Division 13.7 of Title 16 of the California Code of Regulations, to read as follows:

Article 2.5 Renewal of Licenses

1399.419.1 Response to Board Inquiry.

If the board or its designee asks a licensee to provide criminal history information, a licensee shall respond to that request within 30 days. The licensee shall make available all documents and other records requested and shall respond with accurate information.

NOTE: Authority cited: Sections 4933, Business and Professions Code. Reference: Sections 144, 4928.1, 4955, and 4965, Business and Professions Code; and Section 11105, Penal Code.

(2) Adopt Section 1399.419.2 of Division 13.7 of Title 16 of the California Code of Regulations, to read as follows:

1399.419.2. Fingerprint and Disclosure Requirements for Renewal of License.

(a) As a condition of renewal for a license that expires on or after (insert date), a licensee who was initially licensed prior to January 1, 2001, or for whom an electronic record of the submission of fingerprints no longer exists, shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.

(1) The licensee shall pay any costs for furnishing the fingerprints and conducting the searches.

(2) A licensee shall certify when applying for renewal whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.

(3) This requirement is waived if the licensee is renewed in an inactive status, or is actively serving in the military outside the United States.

(4) A licensee shall retain, for at least three years from the renewal date, either a receipt showing the electronic transmission of his or her fingerprints to the Department of Justice or a receipt evidencing that the licensee's fingerprints were taken.

(b) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, he or she has been convicted of any violation of the law in this or any other state, the United States, or other country, omitting traffic infractions under \$300 not involving alcohol, dangerous drugs, or controlled substances.

(c) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, he or she has been denied a license or had a license disciplined by another licensing authority of this state, of another state, of any agency of the federal government, or of another country.

(d) Failure to comply with the requirements of this section renders any application for renewal incomplete and the license may not be renewed until the licensee demonstrates compliance with all requirements.

(e) Failure to furnish a full set of fingerprints to the Department of Justice as required by this section on or before the date required for renewal of a license is grounds for discipline by the Board.

(f) Before a license in inactive status may be activated, the licensee shall comply with this section. A licensee who is serving in the military outside of the United States shall immediately comply with this section upon his or her return to the United States unless the return is for less than thirty days.

NOTE: Authority cited: Sections 144 and 4933, Business and Professions Code. Reference: Sections 4928.1, 4955, and 4965 Business and Professions Code; and Section 11105, Penal Code.