

## MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: August 5, 2025  
ATTENTION: Members, Medical Board of California  
SUBJECT: Fees for Petitions for Penalty Relief - Discussion and Possible Action on Proposed Rulemaking and Proposed Responses to Public Comments Received During the 15-Day Comment Period on Modified Regulatory Text to Add 16 CCR section 1352.3 (Fees for Petitions for Penalty Relief) and to Amend 16 CCR section 1359 (Petitions for Reinstatement or Modification of Probation)  
FROM: Kerrie Webb, Attorney III

### REQUESTED ACTION:

1. Consider and approve the proposed responses to written comments received on the modified text for the proposed rulemaking on Fees for Petitions for Penalty Relief to add Title 16 California Code of Regulations (CCR) section 1352.3 (Fees for Petitions for Penalty Relief) and to amend 16 CCR section 1359 (Petitions for Reinstatement or Modification of Probation)
2. Consider the second modified text for 16 CCR section 1352.3 and 1359 and entertain a motion to approve the second modified text as well as to direct staff to take all steps necessary to complete the rulemaking process. This includes preparing the second modified text for an additional 15-day comment period, which incorporates amendments discussed at this meeting. If after the 15-day public comment period, the Board does not receive any comments providing objections or adverse recommendations specifically directed at the changes noticed in the second modified text or to the procedures followed by the Board in proposing or adopting the action, then the Board authorizes the Executive Director to make any non-substantive changes to the proposed regulations and the rulemaking file and adopt the proposed regulations as described in the second modified text notice.

### BACKGROUND

Pursuant to [Business and Professions Code \(BPC\) section 2307](#), a disciplined licensee may petition the Board to seek reinstatement of a revoked or surrendered license or to have their probation modified or terminated early.

The process to evaluate and consider each petition currently involves unreimbursed Board, Attorney General's Office (AGO), and Office of Administrative Hearings (OAH) staff time and results in substantial costs to the Board.

Between Fiscal Years 2021 and 2023, the litigation and hearing expenses alone cost the Board more than \$1.8 million. Significantly, those individuals who filed petitions for penalty relief with the Board have historically not had to bear any of these costs.

At the Board's request during its last sunset review, [Senate Bill \(SB\) 815 \(Roth, Chapter 294, Statutes of 2023\)](#) added [Business and Professions Code section 2307.5](#) to the Medical Practice Act, giving the Board the authority to establish a fee for petitions for penalty relief, which shall not exceed the Board's reasonable costs to process and adjudicate a petition submitted pursuant to Section 2307.

The Board determined that the following average costs apply:

Average cost for Board staff time to process a petition for modification or early termination of probation: \$1,949.

Average cost for Board staff time to process a petition for reinstatement following a revocation or a stipulated surrender to settle a disciplinary action: \$3,738.

Total average cost for a petition for penalty relief to go to hearing: \$19,043 (AGO costs of \$12,780 + OAH costs of \$6,263).

At its May 23-24, 2024 Board meeting, the Board considered and approved proposed text to add 16 CCR section 1352.3 (Fees for Petitions for Penalty Relief) to set the fees to cover the costs of processing, litigating, and hearing petitions for penalty relief, as well as to amend 16 CCR section 1359 (Petitions for Reinstatement or Modification of Probation) to reference the required fee and update the process for petitions for penalty relief.

Pursuant to the Administrative Procedure Act, Board staff noticed the proposed text on November 15, 2024 for the 45-day public comment period, and extended the comment period to January 6, 2025. The Board did not receive a timely request for a hearing but did receive nine (9) written comments. The Board approved staff's proposed responses to the comments and also approved modified text to be noticed for a 15-day comment period. A copy of the modified text is included as Attachment 1.

Board staff noticed the modified text on March 12, 2025 for the 15-day public comment period. Comments were accepted through April 1, 2025. The Board received two (2) letters during the 15-day comment period. A summary of the written comments along with the proposed responses, are provided for your review and consideration below. Further, please see Attachment 2 for the actual written comments. In addition to proposed changes to the text recommended in response to public comment, Board staff is suggesting additional clarifying changes as indicated in the Second Modified Proposed Text included as Attachment 3.

**Summary of Public Comments Received During the 15-Day Comment Period and Proposed Responses Regarding the Proposed Modified Regulatory Text to Adopt Section 1352.3 and Amend Section 1359 of Title 16 of The California Code of Regulations.**

**Written Comment from Stephanie Lin, Associate Supervising Attorney, and Justin Small, Staff Attorney, with Neighborhood Legal Services of Los Angeles County (NLSLA), dated March 28, 2025**

**Comment 1:** NLSLA commented that they welcomed the modified text of the proposed regulations, and in particular they welcomed the reduction of the proposed initial fees for processing petitions for modification or termination of probation and petitions for reinstatement. They indicated that they wished to provide further comment on the proposed modifications to sections 1352.3(e) and 1359(c) and request clarification on what evidence would be relevant in considering a petitioner's ability to pay the remaining fees. As an example, they commented that the Advisory Committee comments on California Rule of Court 4.335 (which governs ability to pay determinations for infraction-level offenses) offers the following:

“In determining the defendant's ability to pay, the court should take into account factors including: (1) receipt of public benefits under Supplemental Security Income (SSI), State Supplementary Payment (SSP), California Work Opportunity and Responsibility to Kids (CalWORKS), Federal Tribal Temporary Assistance for Needy Families (Tribal TANF), Supplemental Nutrition Assistance Program, California Food Assistance Program, County Relief, General Relief (GR), General Assistance (GA), Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants (CAPI), In Home Supportive Services (IHSS), or Medi-Cal; and (2) a monthly income of 125 percent or less of the current poverty guidelines, updated periodically in the Federal Register by the U.S. Department of Health and Human Services under 42 U.S.C. § 9902(2).”

As another example, NLSLA stated that Government Code section 68632 provides that court fee waivers shall be granted to those receiving certain government benefits and to anyone whose income is 200% or less of the federal poverty line.

NLSLA commented that they do not believe the regulations should limit the ways inability to pay can be shown, but they believe that it would be helpful to the petitioners, the Board, and administrative law judges to have guidance on the meaning of “inability to pay.”

**Response to Comment 1:** Board staff have reviewed this comment and do not recommend making the changes to the modified text requested by NLSLA. The proposed text indicates under section 1352.3(e) that the ALJ and Board shall consider evidence of the petitioner's ability to pay the remaining fee, with or without entering into a payment plan with the Board, as well as the reasonableness of the fee. The proposed text offers a broad opportunity for the petitioner to demonstrate financial hardship in paying further fees relating to their petition for penalty relief, and the petitioner is in the best position to determine what evidence to provide to the ALJ and Board regarding their ability to pay the fee.

**Written Comment from Lucas Evensen, Associate Director, Strategic Engagement, California Medical Association (CMA), dated April 1, 2025**

**Comment 2:** CMA commented that they appreciated the Board's efforts to address some of their comments made on the originally proposed text. They indicated that they are still concerned that the potential fee would still impose a severe burden and make seeking penalty relief cost prohibitive for some individuals. CMA made the following specific suggestions to the modified text:

**1. Clarification of the Applicability of the \$22,000 Cap (§ 1352.3(d))**

CMA suggests modifying section 1352.3(d) to make it clear that the \$22,000 maximum fee applies to Board decisions after non-adoption:

(d) The remaining fee required to cover the reasonable costs to process and adjudicate a petition for penalty relief shall be proposed by an administrative law judge (ALJ) from the Office of Administrative Hearings (OAH) and approved by the Board. The maximum fee that may be proposed by the ALJ and approved by the Board, **or that may be otherwise determined or ordered pursuant to this section**, is \$22,000, less the initial fee already paid. The Board may remand the matter back to an ALJ for a finding on the fee where the proposed decision fails to make a finding on the fee. The Board may approve, reduce, or eliminate the remaining fee award. The Board may increase the fee award, **up to the maximum fee described in this subdivision**, based on the evidence, but only in a decision after non-adoption of the ALJ's proposed decision.

**Response to Comment 2.1:** Board staff have reviewed this comment and recommend modifying the text to address CMA's requests as follows:

(d) The remaining fee required to cover the reasonable costs to process and adjudicate a petition for penalty relief shall be proposed by an administrative law judge (ALJ) from the Office of Administrative Hearings (OAH) and approved by the Board. The maximum fee that may be proposed by the ALJ and approved by the Board, **or that may be otherwise determined or ordered pursuant to this section**, is \$22,000, less the initial fee already paid. The Board may remand the matter back to an ALJ for a finding on the fee where the proposed decision fails to make a finding on the fee. The Board may approve, reduce, or eliminate the remaining fee award. The Board may increase the fee award, **up to \$22,000, less the initial fee already paid**, based on the evidence, but only in a decision after non-adoption of the ALJ's proposed decision.

**2. Clarification of Flexibility to Reduce or Eliminate Fee Based on Ability to Pay (§ 1352.3(e))**

CMA recommends clarifying that the factors described in section 1352.3(e) are considered for the purpose of determining the appropriate fee pursuant to section

1352.3(d), and recommends specifying that a petitioner's existing cost recovery obligations shall be taken into account when determining their ability to pay:

(e) When determining the remaining fee, a certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the designee for the Office of the Attorney General (OAG) and OAH for their agency's respective services shall be prima facie evidence of a reasonable fee to impose to pay for processing and adjudicating the petition for penalty relief. It shall include the AGO and OAH costs for reviewing, preparing for, and participating in the hearing on the petition for penalty relief. The fee shall not include the ALJ or OAH cost for preparing and transmitting the proposed decision to the Board after the hearing. **When determining the amount of the remaining fee pursuant to subdivision (d), The the** ALJ and Board shall consider evidence of the petitioner's ability to pay the remaining fee, with or without entering into a payment plan with the Board, as well as the reasonableness of the fee. **In considering a petitioner's ability to pay, the ALJ and Board shall also take into account any outstanding cost recovery obligations of the petitioner. The ALJ and Board may reduce or waive the remaining fee where financial hardship is demonstrated.** Granting or denying a petition for penalty relief shall not be the sole basis for reducing or denying the fee.

**Response to Comment 2.2:** Board staff have reviewed this comment and recommend making some of the changes to the modified text requested by CMA, as follows, in addition to other minor clarifying changes:

(e) When determining the remaining fee, a certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the designee for the Office of the Attorney General (OAG) and OAH for their agency's respective services shall be prima facie evidence of a reasonable fee to impose to ~~pay cover the costs of for~~ processing and adjudicating the petition for penalty relief. It shall include the AGO and OAH costs for reviewing, preparing for, and participating in the hearing on the petition for penalty relief. The fee **to be paid by the petitioner** shall not include the ALJ or OAH cost for preparing and transmitting the proposed decision to the Board after the hearing. **When determining the amount of the remaining fee pursuant to subdivision (d), The the** ALJ and Board shall consider evidence of the petitioner's ability to pay the remaining fee, with or without entering into a payment plan with the Board, as well as the reasonableness of the fee. **The ALJ and Board may reduce or waive the remaining fee where financial hardship is demonstrated.** Granting or denying a petition for penalty relief shall not be the sole basis for reducing or ~~denying~~ **waiving** the fee.

Board staff do not recommend specifying outstanding cost recovery as a ground for a reduction or waiver of the fee. The proposed text offers a broad opportunity for the petitioner to demonstrate financial hardship in paying further fees relating to their petition for penalty relief, and the petitioner is in the best position to determine what evidence to provide to the ALJ and Board regarding their ability to pay the fee.

### 3. Petitioner's Ability to Challenge Remaining Fee (§§ 1359(c)(3), 1352.3(e))

CMA commented that they support informing petitioners of the ability to provide evidence that could result in a reduced or waived fee, and suggested clarifying language to sections 1352.3(e) and 1359(c), as follows:

§ 1359(c) [...] (3) ~~at the hearing on the petition~~, the petitioner may submit, at the hearing on the petition, evidence regarding their ability to pay the remaining fee, or may challenge the ~~reasonableness amount~~ of the remaining fee being requested, proposed, or determined, based on the reasonableness of the amount or ability to pay; and (4) [...].

§ 1352.3(e) [...] Granting or denying a petition for penalty relief shall not be the sole basis for reducing or denying the fee. A petitioner may challenge the amount of the fee amount proposed by the ALJ or otherwise determined by the Board, based on the reasonableness of the amount or the petitioner's ability to pay.

**Response to Comment 2.3:** Board staff have reviewed this comment and recommend making some of the changes to the modified text requested by CMA, as follows:

§ 1359(c) [...] (3) ~~at the hearing on the petition~~, the petitioner may submit evidence at the hearing on the petition regarding their ability to pay the remaining fee or may challenge the ~~reasonableness amount~~ of the remaining fee being requested, proposed, or determined, based on the reasonableness of the amount; and (4) [...].

Board staff recommend not including language that the petitioner may challenge the remaining fee based on their ability to pay, because this section indicates that they may submit evidence regarding their ability to pay and section 1352.3(e) includes proposed modified text stating that, "The ALJ and Board may reduce or waive the remaining fee where financial hardship is demonstrated."

### 4. Disclosure of Availability of Payment Plans to Petitioners (§ 1359(c))

CMA recommends disclosing the availability of payment plans to petitioners by adding the language indicated below to section 1359(c):

(c) [...]; ~~and~~ (4) the petitioner may be ordered to pay the remaining fee regardless of whether their petition is granted or denied; and (5) payment plans are available upon the petitioner's request. Additionally, the Board shall include a copy of Section [1352.3] with the notice.

**Response to Comment 2.4:** Board staff have reviewed this comment and recommend making the following changes to the modified text to accommodate CMA's request:

(c) [...]; **and (5) if petitioner is ordered to pay all or a portion of the remaining fee, petitioner may request a payment plan.** Additionally, the Board shall include a copy of Section 1352.3 with the notice.

**5. Conforming Revisions to the Board’s Petition for Penalty Relief Form (DG-39C) and Form Instructions (DG-39A) (§ 1359(a))**

CMA commented that the current language of existing section 1359 states that a petition for modification or termination of probation or for reinstatement of a certificate “shall be filed on a form provided by” the Board. (16 CCR § 1359(a).) Similar language remains in the Board’s proposed amendments to section 1359(a).

CMA stated that requiring use of a prescriptive form constitutes a “rule, regulation, order, or standard of general application” that must be adopted in accordance with the Administrative Procedure Act. CMA commented that to the extent use of the form (DG-39C) is required to initiate a petition for penalty relief, the Board should modify and adopt the form as part of this rulemaking action and incorporate the form by reference in regulation. CMA further indicated that if use of the form is not mandatory or exempted from the APA pursuant to another statute, they request that the Board share any proposed revisions for stakeholder input as soon as possible to ensure that a revised form is available by the effective date of these proposed regulations, if approved.

**Response to Comment 2.5:** Board staff have reviewed this comment and recommend incorporating the form by reference. The suggested text and referenced form (PPR-1 New (08/2025)) are included in the proposed Second Modified Text for the Board’s consideration.

**STAFF RECOMMENDATION:**

Make and approve the motion indicated above under Requested Action.

**ATTACHMENTS**

**Attachment 1:** Fees for Petitions for Penalty Relief – Noticed Modified Text

**Attachment 2:** Copies of the written comments received during the 15-day comment period regarding the proposed rulemaking on Fees for Petitions for Penalty Relief

**Attachment 3:** Proposed Second Modified Text and Form Incorporated by Reference

# **ATTACHMENT 1**



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

**MODIFIED TEXT  
Fees for Petitions for Penalty Relief**

Proposed changes to the current regulation language are shown by ~~strikethrough~~ for deleted language and underline for added language.

Modified changes to the proposed regulation language are shown by ~~double strikethrough~~ for deleted language and double underline for added language.

**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) "Petitions for penalty relief" include petitions for modification or termination of probation and petitions for reinstatement of a revoked certificate or a certificate surrendered pursuant to a stipulation to settle a disciplinary action. ~~The fee required to process a petition for modification or termination of probation is \$1,949.~~

(b) The initial fee required to process a petition for modification or termination of probation is \$1,242. ~~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 initial 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 ~~\$2,962.3,738.~~

(d) The remaining fee required to cover the reasonable costs to process and adjudicate a petition for penalty relief shall be proposed by an administrative law judge (ALJ) from the Office of Administrative Hearings (OAH) and approved by the Board. The maximum fee that may be proposed by the ALJ and approved by the Board is \$22,000, less the initial fee already paid. The Board may remand the matter back to an ALJ for a finding on the fee where the proposed decision fails to make a finding on the fee. The Board may approve, reduce, or eliminate the remaining fee award. The Board may increase the fee award based on the evidence, but only in a decision after non-adoption of the ALJ's proposed decision. ~~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.~~

(e) When determining the remaining fee, a certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the designee for the Office of the Attorney General (OAG) and OAH for their agency's respective services shall be prima facie evidence of a reasonable fee to impose to pay for processing and adjudicating the petition for penalty relief. It shall include the AGO and OAH costs for reviewing, preparing for, and participating in the hearing on the petition for penalty relief. The fee shall not include the ALJ or OAH cost for preparing and transmitting the proposed decision to the Board after the hearing. The ALJ and Board shall consider evidence of the petitioner's ability to pay the remaining fee, with or without entering into a payment plan with the Board, as well as the reasonableness of the fee. Granting or denying a petition for penalty relief shall not be the sole basis for reducing or denying the fee.

(f) Where the Board orders a petitioner to pay a fee for penalty relief and timely payment is not made as directed in the Board's decision or pursuant to a payment plan approved by the Board or its designee, the Board may pursue administrative action against the individual for unprofessional conduct, enforce the order for payment in any appropriate court, and take any other action allowed by law.

(g) In any action for recovery of the fee, proof of the Board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment. If the petitioner was permitted to enter into a payment plan approved by the Board or the Board's designee, a certified copy of the signed payment plan shall be conclusive evidence of the terms.

(h) This section shall apply only to petitions for penalty relief on disciplinary decisions ordered after the effective date of this section.

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 Penalty Relief ~~Reinstatement or Modification of Probation.~~**

(a) A petition for penalty relief as defined under Section 1352.3, subdivision (a) ~~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 initial nonrefundable fee required by Section 1352.3, subdivision (b) or (c), for processing the petition for penalty relief.

~~(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 applicable initial fee specified in Section 1352.3, subdivision (b) or (c) 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 subdivision (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 proposed decision issued by the ALJ may include an order for the Board's consideration and approval for the petitioner to pay the remaining fee to cover the reasonable costs to process and adjudicate a petition for penalty relief up to \$22,000, less the initial fee already paid; (3) at the hearing on the petition, the petitioner may submit evidence regarding their ability to pay the remaining fee or challenge the reasonableness of the remaining fee being requested; and (4) the petitioner may be ordered to pay the remaining fee regardless of whether their petition is granted or denied. Additionally, the Board shall include a copy of Section 1352.3 with the notice. 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.

(e) The provisions of this section requiring payment of fees and notice thereof shall apply only to petitions for penalty relief on disciplinary decisions ordered after the effective date 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.

# **ATTACHMENT 2**



Neighborhood Legal Services  
of Los Angeles County

March 28, 2025

Medical Board of California  
2005 Evergreen Street, Ste. 1200  
Sacramento, CA 95815  
Telephone No.: (916) 263-2466  
Fax No.: (916) 263-2387  
E-Mail Address: regulations@mbc.ca.gov

**Re: NLSLA Letter Commenting on TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS DIVISION 13; MEDICAL BOARD OF CALIFORNIA; MODIFIED TEXT OF PROPOSED REGULATORY ACTION CONCERNING: Fees for Petitions for Penalty Relief**

To the Members of the Medical Board of California,

Neighborhood Legal Services of Los Angeles County (NLSLA) is pleased to offer the following comment on the Medical Board of California's Notice of Modified Text of Proposed Regulatory Action concerning "Fees for Petitions for Penalty Relief." NLSLA is an LSC-funded organization that provides free legal aid to low-income individuals and families in the Los Angeles County area. Each year, NLSLA provides representation to hundreds of Los Angeles residents in a variety of administrative hearings including matters related to the reinstatement of occupational licenses. In particular, our practice area, the Clean Slate Initiatives team, assists individuals with barriers associated with reentering the community after incarceration. We represent individuals seeking the reinstatement of their occupation license revoked as a result of their criminal record. Many of our clients have spent years or decades rebuilding their lives, and the culmination of their re-entry efforts is seeking reinstatement to a profession that meant a great deal to them.

We welcome the modified text of the proposed regulations; in particular, we welcome the reduction of the proposed initial fees for processing petitions for modification or termination of probation and petitions for reinstatement of a revoked certificate. We wish to provide further comment on the modifications proposed to §§ 1352.3(e) and 1359(c) and request clarification on what evidence would be relevant in considering a petitioner's ability to pay for the remaining fees. Further guidance within the regulation would be instructive and would also prevent incongruent adjudications from differing administrative law judges.

Neighborhood Legal Services of Los Angeles County | [www.nlsla.org](http://www.nlsla.org) | Toll-Free Telephone: (800) 433-6251

**GLENDALE OFFICE**  
Administrative Offices  
1104 E. Chevy Chase Dr.  
Glendale, CA 91205

**EL MONTE OFFICE**  
3629 Santa Anita Ave.  
#109  
El Monte, CA 91731

**PACOIMA OFFICE**  
13327 Van Nuys Blvd.  
Pacoima, CA 91331

**WELLNESS CENTER**  
Historic General Hospital  
1200 N. State St., #1008  
Los Angeles, CA 90033

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**BRD 9- 13**

For example, the Advisory Committee comments on California Rule of Court 4.335 (which governs ability to pay determinations for infraction-level offenses) offers:

“In determining the defendant's ability to pay, the court should take into account factors including: (1) receipt of public benefits under Supplemental Security Income (SSI), State Supplementary Payment (SSP), California Work Opportunity and Responsibility to Kids (CalWORKS), Federal Tribal Temporary Assistance for Needy Families (Tribal TANF), Supplemental Nutrition Assistance Program, California Food Assistance Program, County Relief, General Relief (GR), General Assistance (GA), Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants (CAPI), In Home Supportive Services (IHSS), or Medi-Cal; and (2) a monthly income of 125 percent or less of the current poverty guidelines, updated periodically in the Federal Register by the U.S. Department of Health and Human Services under 42 U.S.C. § 9902(2).”

Similarly, the statute that governs fee waivers for court filing fees, Government Code § 68632, explicitly states that fee waivers shall be granted to those receiving certain government benefits (§ 68632(a)) and anyone whose income is 200% or less of the federal poverty line (§ 68632(b)).

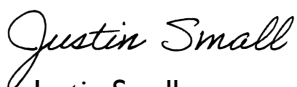
We believe a similar framework would be useful for these proposed regulations. §§ 1352.3(e) and 1359(c) should clearly outline that evidence that a petitioner's monthly income is 200 percent or less of the current federal poverty guidelines or that they receive public benefits demonstrates a petitioner's inability to pay. Alternately, these sections could reference the standards in Government Code section 68632 or the Advisory Committee comments on California Rule of Court 4.335. We do not believe the regulations should limit the ways inability to pay can be shown, but we believe it would be helpful for petitioners, the Board, and administrative law judges to have guidance on the meaning of “inability to pay.”

Please do not hesitate to contact us if you have any questions regarding our suggestions or would like further comment on any revisions to proposed regulations.

Sincerely,



Stephanie Lin  
NLSLA Associate Supervising Attorney  
StephanieLin@nlsla.org



Justin Small  
NLSLA Staff Attorney  
JustinSmall@nlsla.org



April 1, 2025

Alexandria Schembra  
 Medical Board of California  
 2005 Evergreen Street, Ste. 1200  
 Sacramento, CA 95815  
[regulations@mbc.ca.gov](mailto:regulations@mbc.ca.gov)

*Sent via e-mail*

**RE: Proposed Regulatory Language: Fees for Petitions for Penalty Relief**

Dear Ms. Schembra:

On behalf of its over 50,000 medical student and physician members, the California Medical Association (CMA) submits the following comments on the Medical Board of California's proposed regulations regarding Fees for Petitions for Penalty Relief. The Board's proposed regulations establish fees for petitions for penalty relief pursuant to Business and Professions Code (BPC) section 2307.5.

In our comments on the original proposed text, CMA raised concerns that the Board's proposed fee made petition relief prohibitively expensive, effectively limiting access to the penalty relief mechanisms to individuals with financial means. The Board modified the proposed text to provide flexibility in the fee amount based on a petitioner's ability to pay and the reasonableness of the fee.

CMA appreciates the Board's efforts to address some of CMA's comments. Because the proposed maximum fee remains unchanged, CMA remains concerned that the potential fee would still impose a severe burden and make penalty relief cost-prohibitive for individuals without significant financial resources, as stated in our Jan. 6, 2025, comment letter. In light of those concerns, we offer the following comments to ensure these regulations provide sufficient flexibility to make petitions for penalty relief more accessible for those with limited financial resources.

**1. Clarification of the Applicability of the \$22,000 Cap (§ 1352.3(d))**

The modified proposed text in subdivision (d) of section 1352.3 authorizes an administrative law judge (ALJ) to propose, for the Board's approval, the remaining fee to cover the reasonable costs of processing and adjudicating a petition for penalty relief, and sets the total maximum fee at \$22,000:

(d) The remaining fee required to cover the reasonable costs to process and adjudicate a petition for penalty relief shall be proposed by an administrative law judge (ALJ) from the Office of Administrative Hearings (OAH) and approved by the Board. The maximum fee that may be proposed by the ALJ and

approved by the Board is \$22,000, less the initial fee already paid. The Board may remand the matter back to an ALJ for a finding on the fee where the proposed decision fails to make a finding on the fee. The Board may approve, reduce, or eliminate the remaining fee award. The Board may increase the fee award based on the evidence, but only in a decision after non-adoption of the ALJ's proposed decision.

The above language is unclear as to whether the \$22,000 maximum also applies to instances described in the final sentence of subdivision (d) authorizing the Board to increase fees based on evidence after deciding not to adopt the ALJ's proposed decision. We believe the Board's intent is for the \$22,000 cap to apply to these petitions uniformly, including to Board decisions after non-adoption of the ALJ's proposal. We recommend that the Board revise subdivision to clarify that the \$22,000 maximum applies to Board decisions after non-adoption as well:

(d) The remaining fee required to cover the reasonable costs to process and adjudicate a petition for penalty relief shall be proposed by an administrative law judge (ALJ) from the Office of Administrative Hearings (OAH) and approved by the Board. The maximum fee that may be proposed by the ALJ and approved by the Board, **, or that may be otherwise determined or ordered pursuant to this section,** is \$22,000, less the initial fee already paid. The Board may remand the matter back to an ALJ for a finding on the fee where the proposed decision fails to make a finding on the fee. The Board may approve, reduce, or eliminate the remaining fee award. The Board may increase the fee award, **, up to the maximum fee described in this subdivision,** based on the evidence, but only in a decision after non-adoption of the ALJ's proposed decision.

## **2. Clarification of Flexibility to Reduce or Eliminate Fee Based on Ability to Pay (§ 1352.3(e))**

CMA supports providing flexibility to reduce or eliminate petition fees to ensure BPC section 2307's penalty relief mechanism is available to all individuals irrespective of their economic status. To further that goal, we recommend clarifying language to facilitate implementation of this modified fee approach.

First, we recommend adding a petitioner's existing cost recovery obligations to the list of factors that are considered in subdivision (e) of proposed section 1352.3, since many petitioners seeking license reinstatement may be contending with cost recovery and other financial obligations to the Board resulting from the underlying disciplinary action that led to the penalty for which they are petitioning for early relief. Some of these individuals have endured prolonged periods without employment in their profession, and may lack the financial resources to pay these fees.

We also recommend clarifying that the factors described in subdivision (e) are considered for the purpose of determining the appropriate fee pursuant to subdivision (d). Finally, the



regulation should clarify that petitioners have the right to request a reduced fee or contest the proposed fee amount, and submit evidence regarding their ability to pay. This would align the regulation with the principles of fairness and due process.

(e) When determining the remaining fee, a certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the designee for the Office of the Attorney General (OAG) and OAH for their agency's respective services shall be prima facie evidence of a reasonable fee to impose to pay for processing and adjudicating the petition for penalty relief. It shall include the AGO and OAH costs for reviewing, preparing for, and participating in the hearing on the petition for penalty relief. The fee shall not include the ALJ or OAH cost for preparing and transmitting the proposed decision to the Board after the hearing. **When determining the amount of the remaining fee pursuant to subdivision (d), The the** ALJ and Board shall consider evidence of the petitioner's ability to pay the remaining fee, with or without entering into a payment plan with the Board, as well as the reasonableness of the fee. **In considering a petitioner's ability to pay, the ALJ and Board shall also take into account any outstanding cost recovery obligations of the petitioner. The ALJ and Board may reduce or waive the remaining fee where financial hardship is demonstrated.** Granting or denying a petition for penalty relief shall not be the sole basis for reducing or denying the fee.

### **3. Petitioner's Ability to Challenge Remaining Fee (§§ 1359(c)(3), 1352.3(e))**

Subdivision (c) of proposed section 1359 in part requires the petitioner to receive notice of certain disclosures regarding the petition process once the Board has accepted a petition to be set for hearing. One of the disclosures states, "(3) at the hearing on the petition, the petitioner may submit evidence regarding their ability to pay the remaining fee, or challenge the reasonableness of the remaining fee being requested." CMA supports informing petitioners of the ability to provide evidence that could result in a reduced or waived fee.

Procedurally, however, a petitioner may not know the amount of the remaining fee that is being requested or proposed by the ALJ at the time of the hearing on the petition. We presume determinations regarding the remaining fee would follow after a hearing is concluded. A petitioner can always submit evidence of their ability to pay before knowing the amount of the remaining fee that will be proposed; but they would not be in a position to challenge a fee before knowing the amount being requested.

We are also unclear who would be requesting the remaining fee amount. Under the proposed regulations, the amount of the remaining fee to "determined" and "proposed" by the ALJ, and subsequently approved or modified by the Board, or if the Board decides not to adopt the ALJ's proposal, the Board itself would determine the amount of the remaining fee.

CMA believes petitioners should be allowed to challenge the amount of the remaining fee based on reasonableness or ability to pay at all stages of the petition. Accordingly, we request

the following modifications to proposed subdivision (c) of section 1359 to clarify the disclosure language:

§ 1359(c) [...] (3) ~~at the hearing on the petition,~~ the petitioner may submit, at the hearing on the petition, evidence regarding their ability to pay the remaining fee, or may challenge the ~~reasonableness amount~~ of the remaining fee being requested, proposed, or determined, based on the reasonableness of the amount or ability to pay; and (4) [...].

We also recommend adding language at the end of subdivision (e) of proposed section 1352.3 to expressly provide petitioners the right to challenge remaining fee amounts described in section 1359(c)(3):

§ 1352.3(e) [...] Granting or denying a petition for penalty relief shall not be the sole basis for reducing or denying the fee. A petitioner may challenge the amount of the fee amount proposed by the ALJ or otherwise determined by the Board, based on the reasonableness of the amount or the petitioner's ability to pay.

#### 4. Disclosure of Availability of Payment Plans to Petitioners (§ 1359(c))

CMA also recommends disclosing the availability of payment plans to petitioners. This is especially important for petitioners who are not represented by counsel and may not be aware of this option. Accordingly, we suggest adding the following language in subdivision (c) of section 1359 to ensure petitioners are informed of that option:

(c) [...]; ~~and~~ (4) the petitioner may be ordered to pay the remaining fee regardless of whether their petition is granted or denied; and (5) payment plans are available upon the petitioner's request. Additionally, the Board shall include a copy of Section thirteen fifty-two point three with the notice.

#### 5. Conforming Revisions to the Board's Petition for Penalty Relief Form (DG-39C) and Form Instructions (DG-39A) (§ 1359(a))

The current language of existing section 1359 states that a petition for modification or termination of probation or for reinstatement of a certificate "shall be filed on a form provided by" the board. (16 CCR § 1359(a).) Similar language remains in the Board's proposed amendments to section 1359(a) ("A petition for penalty relief as defined under Section 1352.3, subdivision (a) shall be filed on a form provided by the Board...."). The Board provides a Petition for Penalty Relief Form ([DG-39C](#)) and instructions ([DG-39A](#)). CMA presumes the Board plans to modify the form and instructions to conform to the proposed regulations. Assuming the Board's proposed rulemaking is approved, the revised form and instructions should be available by the effective date of these regulations.

Requiring the use of a prescriptive form constitute a "rule, regulation, order, or standard of general application" that must be adopted in accordance with the APA. (Gov. Code §§ 11342.600, 11340.5(a), 11346, 11349.1.) To the extent use of form DG-39C is required to initiate a

petition for penalty relief, the Board should modify and adopt the form as part of this rulemaking action, and incorporate the form by reference in regulation.

If use of the form is not mandatory or is exempted from the APA pursuant to another statute, we request that the Board share any proposed revisions for stakeholder input as soon as possible to ensure that a revised form is available by the effective date of these proposed regulations if approved.

CMA appreciates the opportunity to provide comments on these proposed regulations, and looks forward to working with the Board to ensure an appropriate balance is struck between cost recovery and principles of equity and accessibility for early penalty relief under BPC section 2307, without imposing undue burdens on petitioners. If any additional information is needed, please do not hesitate to contact me at [levensen@cmadocs.org](mailto:levensen@cmadocs.org).

Sincerely,

*Lucas Evensen*

Lucas Evensen  
Associate Director, Strategic Engagement  
California Medical Association



# **ATTACHMENT 3**

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

**SECOND MODIFIED PROPOSED TEXT  
Fees for Petitions for Penalty Relief**

Proposed changes to the current regulation language are shown by ~~strikethrough~~ for deleted language and underline for added language.

Modified changes to the proposed regulation language are shown by ~~double strikethrough~~ for deleted language and double underline for added language.

Second modified changes made to the proposed regulation language are shown by ~~italicized double strikethrough~~ for deleted language and **italicized bold double underline** for added language.

**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) "Petitions for penalty relief" include petitions for modification or termination of probation and petitions for reinstatement of a revoked certificate or a certificate surrendered pursuant to a stipulation to settle a disciplinary action. ~~The fee required to process a petition for modification or termination of probation is \$1,949.~~

(b) The initial **nonrefundable** fee required to process a petition for modification or termination of probation is \$1,242. ~~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 initial **nonrefundable** 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 ~~\$2,962.3,738.~~

(d) The remaining fee required to cover the reasonable costs to process and adjudicate a petition for penalty relief shall be proposed by an administrative law judge (ALJ) from the Office of Administrative Hearings (OAH) and approved by the Board. The maximum fee that may be proposed by the ALJ and approved by the Board, **or that may be otherwise determined or ordered pursuant to this section**, is \$22,000, less the initial fee already paid. The Board may remand the matter back to an ALJ for a finding on the

fee where the proposed decision fails to make a finding on the fee. The Board may approve, reduce, or eliminate the remaining fee award. The Board may increase the fee award **up to \$22,000, less the initial fee already paid**, based on the evidence, but only in a decision after non-adoption of the ALJ's proposed decision. ~~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.~~

(e) When determining the remaining fee, a certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the designee for the Office of the Attorney General (OAG) and OAH for their agency's respective services shall be prima facie evidence of a reasonable fee to impose to ~~pay cover the costs of for~~ processing and adjudicating the petition for penalty relief. It shall include the AGO and OAH costs for reviewing, preparing for, and participating in the hearing on the petition for penalty relief. The fee **to be paid by the petitioner** shall not include the ALJ or OAH cost for preparing and transmitting the proposed decision to the Board after the hearing. ***When determining the amount of the remaining fee pursuant to subdivision (d),*** ~~The the~~ ALJ and Board shall consider evidence of the petitioner's ability to pay the remaining fee, with or without entering into a payment plan with the Board, as well as the reasonableness of the fee. ***The ALJ and Board may reduce or waive the remaining fee where financial hardship is demonstrated.*** Granting or denying a petition for penalty relief shall not be the sole basis for reducing or ~~denying~~ ***waiving*** the fee.

(f) Where the Board orders a petitioner to pay a fee for penalty relief and timely payment is not made as directed in the Board's decision or pursuant to a payment plan approved by the Board or its designee, the Board may pursue administrative action against the individual for unprofessional conduct, enforce the order for payment in any appropriate court, and take any other action allowed by law.

(g) In any action for recovery of the fee, proof of the Board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment. If the petitioner was permitted to enter into a payment plan approved by the Board or the Board's designee, a certified copy of the signed payment plan shall be conclusive evidence of the terms.

(h) This section shall apply only to petitions for penalty relief on disciplinary decisions ordered after the effective date of this section.

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 Penalty Relief ~~Reinstatement or Modification of Probation.~~**

(a) A petition for penalty relief as defined under Section 1352.3, subdivision (a) ~~modification or termination of probation or a petition for reinstatement of a revoked or surrendered certificate~~ shall be filed **by mail or other courier service** on a form provided by the division Board **(Petition for Penalty Relief, Form PPR-1, New (08/2025)), which is incorporated by reference. The petitioner shall complete the form and provide the required documentation under penalty of perjury,** along with the applicable initial nonrefundable fee required by Section 1352.3, subdivision (b) or (c), for processing the petition for penalty relief. (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 applicable initial fee specified in Section 1352.3, subdivision (b) or (c) 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 received made in accordance with subsection subdivision (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 proposed decision issued by the ALJ may include an order for the Board's consideration and approval for the petitioner to pay the remaining fee to cover the reasonable costs to process and adjudicate a petition for penalty relief up to \$22,000, less the initial fee already paid; (3) at the hearing on the petition, the petitioner may submit evidence at the hearing on the petition regarding their ability to pay the remaining fee or may challenge the reasonableness amount of the remaining fee being requested, proposed, or determined, based on the reasonableness of the amount; and (4) the petitioner may be ordered to pay the remaining fee regardless of whether their petition is granted or denied; and (5) if petitioner is ordered to pay all or a portion of the remaining fee, petitioner may request a payment plan.~~ Additionally, the Board shall include a copy of Section 1352.3 with the notice. ~~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.

(e) The provisions of this section requiring payment of fees and notice thereof shall

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



**PETITION FOR PENALTY RELIEF**  
**Business and Professions Code section 2307; 2307.5**

**INSTRUCTIONS: Please type or print neatly. All fields must be completed; if not applicable enter "N/A" for "not applicable." If more space is needed, please attach additional sheets.**

**Include the following with this Petition for Penalty Relief:**

1. **Non-refundable initial fee of \$2,962 for a Petition for Reinstatement or \$1,242 for a Petition to Terminate Probation and/or a Petition to Modify Probation (see Section IX below).**
2. **A Narrative Statement, supportive documentation, and current curriculum vitae (CV) (see Section X below).**
3. **At least two verified recommendations from physicians and surgeons (see Section XI below).**
4. **If this a Petition to reinstate a revoked or surrendered license, you must submit fingerprints (See section XII below).**

**Make a copy of the complete package for your records, and submit the original package via mail or courier service to:**

**MEDICAL BOARD OF CALIFORNIA**  
**Attention: Probation Unit**  
**2005 Evergreen Street, Suite 1200**  
**Sacramento, CA 95815**

**Note: Staple or use a binder clip on the package submitted to the Board (do not bind it).**

**Direct any questions you have regarding your Petition package to the Petition for Penalty Relief Coordinators by phone at (916) 561-8776 or via our Contact Form.**

<b><u>I. TYPE OF PETITION</u></b>			
<u>Reinstatement of Revoked/Surrendered Certificate</u>		<u>Termination of Probation</u>	
		<u>Modification of Probation</u>	
<b><u>NOTE: If you are petitioning for Termination of Probation and Modification of Probation in the alternative, you may check both boxes, and describe your request in your Narrative Statement.</u></b>			
<b><u>II. PERSONAL INFORMATION</u></b>			
<b><u>NAME:</u></b>	<div style="display: flex; justify-content: space-between;"> <span><u>First</u></span> <span><u>Middle</u></span> <span><u>Last</u></span> </div>		
<b><u>HOME ADDRESS:</u></b>	<div style="display: flex; justify-content: space-between;"> <span><u>Number &amp; Street</u></span> <span><u>City</u></span> <span><u>State</u></span> <span><u>Zip Code</u></span> </div>		
<b><u>EMAIL ADDRESS:</u></b>			
<b><u>HOME TELEPHONE NUMBER:</u></b>	<b><u>WORK TELEPHONE NUMBER:</u></b>	<b><u>CELL NUMBER:</u></b>	
<b><u>Current or prior CA Physician and Surgeon Certificate Number:</u></b>		<b><u>Driver's License Number and State of Issuance:</u></b>	

Current and prior medical licenses in other states or countries (please include license number(s), issue date(s), and status of each medical license ever issued to you):

### III. ATTORNEY INFORMATION

Will you be represented by an attorney? ☐ No ☐ Yes (If "Yes," please provide the following information)

NAME:

ADDRESS:

PHONE:

### IV. MEDICAL PRACTICE BACKGROUND

Total number of years in medical practice:

Medical specialty:

Board certified? ☐ No ☐ Yes If "Yes," year last certified:

If "Yes," do you engage in maintenance of certification? ☐ No ☐ Yes

Current field of medicine (e.g., GP, OB/GYN, ENT, IM, etc.):

Current type of practice (e.g., solo, group, HMO, Gov't, etc.):

Name and location of practice:

List of hospitals where you have privileges:

### V. EMPLOYMENT HISTORY (list for the past 5 years only)

Provide the company name, address, phone number, contact person and dates of employment, job title, and duties:

## VI. DISCIPLINARY HISTORY

Since the effective date of your last Medical Board of California administrative action or license surrender, have you:

1. Withdrawn an application for medical licensure in lieu of denial, disciplinary action, or for any other similar reason? ☐ No ☐ Yes
2. Been denied a license to practice medicine or is any denial pending against you? ☐ No ☐ Yes
3. Had any license to practice medicine subjected to any disciplinary action or is any disciplinary action pending against any of your licenses to practice medicine? ☐ No ☐ Yes
4. Surrendered a license to practice medicine or have you had any license to practice medicine revoked, suspended, or placed on probation? ☐ No ☐ Yes
5. Had any license to practice medicine subjected to any action including, but not limited to, informal or confidential discipline, consent orders, letters of warning, letters of reprimand, or citation? ☐ No ☐ Yes
6. Been charged with, or been found to have committed unprofessional conduct, professional incompetence, gross negligence, or repeated negligent acts by any medical licensing board or hospital? ☐ No ☐ Yes
7. Resigned from a medical staff in lieu of disciplinary or administrative action or is any disciplinary action pending against your hospital or staff privileges? ☐ No ☐ Yes
8. Had staff privileges in a hospital terminated, denied, suspended, limited revoked, or not renewed? ☐ No ☐ Yes
9. Had any healing arts license or certificate disciplined by any state, federal or international jurisdiction? ☐ No ☐ Yes
10. Had any civil medical malpractice claims filed against you? ☐ No ☐ Yes

NOTE: If your answer is "Yes" to any of the above questions, please explain in your Narrative Statement.

## VII. CRIMINAL HISTORY

Since the effective date of your last Medical Board of California administrative action or license surrender, have you:

1. Been placed on criminal probation or parole? ☐ No ☐ Yes
2. Been charged in any pending criminal action? ☐ No ☐ Yes
3. Been convicted of any criminal offense? (A conviction includes a no contest plea; disregard traffic offenses with a \$100 fine or less.) ☐ No ☐ Yes
4. Been required to register as a sex offender in any state? ☐ No ☐ Yes

NOTE: If your answer is "Yes" to any of the above questions, please explain in your Narrative Statement.

## VIII. PRACTICE IMPAIRMENT OR LIMITATIONS

Are you currently suffering from any condition that impairs your judgment or otherwise adversely affects your ability to practice medicine safely, that is, in a competent, ethical, and professional manner? You may answer "No" if you have any condition which does not impair your ability to practice medicine safely or if you are receiving appropriate treatment for a condition, and due to that treatment, the condition does not impair your ability to practice medicine safely.

☐ No ☐ Yes

NOTE: If your answer is "Yes" to the above question, please explain in your Narrative Statement.

## IX. REQUIRED INITIAL FEE

Include your non-refundable initial fee of:

☐ \$2,962 for a Petition for Reinstatement; or

☐ \$1,242 for a Petition to Terminate Probation and/or a Petition to Modify Probation.

The fee shall be submitted in the form of a money order, certified check, cashiers' check, or preprinted personal or company check, which shall clearly indicate the name of the petitioner to whom it applies.

NOTE: The remaining fee of up to \$22,000, less the initial fee, to cover the reasonable costs to process and adjudicate your Petition shall be proposed by an administrative law judge and approved by the Board. You may describe your ability to pay the remaining fee, and whether you believe the remaining fee should be reduced or waived (and, if so, why), in your Narrative Statement, as well as at the hearing).

## X. NARRATIVE STATEMENT, SUPPORTIVE DOCUMENTS, AND CV

- Attach a Narrative Statement and CV in support of your Petition for Penalty Relief that provides, at a minimum, the following:
  - 1) A factual description of the offense(s) that was the basis for the action prompting the disciplinary order or surrender;
  - 2) A description of any prior Petition(s) for Penalty Relief and the outcome(s);
  - 3) The outcome you are seeking with this Petition for Penalty Relief (Note: if you are seeking to modify the terms of your probation, please describe what modifications you are requesting and why);
  - 4) Details of your rehabilitative efforts and the results, including, but not limited to, continuing medical education and other programs attended, psychotherapy, medical treatment received, community service, etc., as applicable, and their duration; and
  - 5) Your explanation for any affirmative responses to the questions in Sections VI, VII, and VIII above.
- Additionally, you may include a description of your ability to pay the remaining fee of up to \$22,000, less the initial fee, to cover the reasonable costs to process and adjudicate your Petition, and whether you seek to have the remaining fee reduced or waived, and the reasons that support your request.
- Attach relevant documents to support your Narrative Statement, where applicable.
- Attach a current CV.

Did you attach your Narrative Statement, supportive documents, and current CV? ☐ Yes ☐ No

## XI. LETTERS OF RECOMMENDATION

Attach at least two original letters of recommendation from physicians and surgeons licensed in any state who have personal knowledge of your activities since discipline was imposed. The letters must be dated within six months of the date of this Petition and shall include the following statement: "I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct."

Note: The Board will contact the individuals to verify the letters and confirm their knowledge of your disciplinary history and your activities since that time.

Did you attach at least two letters of recommendation meeting the requirements above? ☐ Yes ☐ No

☐ Yes    ☐ No    ☐ N/A