

BEFORE THE
DENTAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

RHANDA THALINA GLASGOW

Respondent

DBC 2008-26

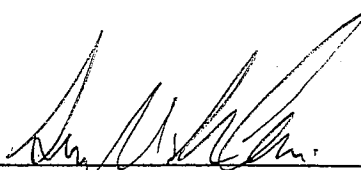
OAH No. 2008110026

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Dental Board of California, State of California as its Decision in the above-entitled matter.

This Decision shall become effective on April 23, 2009.

IT IS SO ORDERED March 23, 2009.



Suzanne McCormick, President
Dental Board of California
Department of Consumer Affairs

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DENTAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

RHANDA THALINA GLASGOW,

Respondent.

Case No. DBC 2008-26

OAH No. 2008110026

PROPOSED DECISION

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on January 15, 2009.

Jonathan D. Cooper, Deputy Attorney General, represented complainant.

Randy Sue Pollock, Attorney at Law, represented respondent, who was present.

The matter was submitted on January 15, 2009.

FACTUAL FINDINGS

1. Cathleen J. Poncabare made the statement of issues in her official capacity as the Executive Officer of the Dental Board of California (Board).
2. On February 23, 2007, the Board received an application for a Registered Dental Assistant License from Rhanda Thalina Glasgow (respondent). On February 2, 2007, respondent certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application.
3. On September 8, 2000, in the San Francisco Superior Court, respondent was convicted of violating Penal Code section 192, subdivision (c) (3) (vehicular manslaughter), Vehicle Code section 23153, subdivision (a) (driving under the influence of alcohol and causing injury), and Vehicle Code section 23153, subdivision (b) (driving with excessive blood alcohol level and causing injury), all felonies and all substantially related to the duties, qualifications and functions of a registered dental assistant.

Respondent fell asleep at the wheel after being awake for 24 hours and consuming alcohol. She hit two pedestrians, killing one and injuring the other.

Respondent was placed on three years probation on the condition that she serve one year in county jail, and pay restitution to the victims.

4. Respondent met all the terms and conditions of her probation. She served eight months in custody. She is no longer on probation. Respondent continues to pay restitution to the victims pursuant to a civil judgment.

5. On February 2, 2007, respondent certified under penalty of perjury to the truthfulness of all statements, answers and representations in her application for licensure. She represented in the application that she had never been convicted of any criminal offense. In truth, respondent had been convicted of the crimes set forth in Finding 3.

6. Respondent demonstrated genuine remorse for what happened. She has taken responsibility for her actions. She attended AA without working the program for many years, but has not attended in the last two years. She has remained sober since the incident occurred in 2000.

7. Respondent is employed by a temporary agency as a dental assistant. She has worked in this field for over eight years. Respondent presented five letters from her past and present employers and co-workers. They find her to be highly motivated and interested in improving her skills.

8. This is the only criminal incident in which respondent has been involved. She has no prior or subsequent convictions. The actual incident occurred January 28, 2000 (nine years ago). Respondent has led a law abiding life since the incident. She has two sons, ages six and four, for which she provides support.

9. Respondent has had problems dealing with this incident emotionally. She sought counseling through Susan Chandler, Ph.D., Psychologist. Dr. Chandler wrote a report on respondent's behalf for her sentencing. Respondent suffers from Post Traumatic Stress Disorder. She continued to treat with Dr. Chandler for several months after her release from jail.

10. This incident is still extremely painful emotionally for respondent. That is why she failed to reveal it on her application. She has difficulty telling others about her past. She hopes that someday she can put her conviction behind her, but she knows that she can never put the consequences of her actions behind her. It is extremely unlikely that anything like this will ever happen again. It would not be against the public interest to allow respondent to be a licensed dental assistant on terms and conditions of probation, including an extra condition that she reveal this decision to her employer(s).

LEGAL CONCLUSIONS

1. By reason of the matters set forth in Finding 3, cause for denial exists pursuant to Business and Professions Code sections 1628.5, subdivision (b), and 480, subdivision (a)(1) (conviction of a substantially related crime).
2. By reason of the matters set forth in Findings 3 and 5, cause for denial exists pursuant to Business and Professions Code sections 1628.5, subdivision (b), and 480, subdivision (c) (misrepresentation of fact in licensing application).
3. The matters in mitigation, extenuation, and rehabilitation set forth in Findings 4 and 6 through 10 have been considered in making the following order.

ORDER

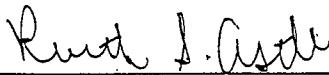
Respondent Rhanda Thalina Glasgow's application for a registered dental assistant license is hereby denied. However, a probationary license is issued for a period of three years upon the following terms and conditions:

1. Obey All Laws – Respondent shall comply with all conditions of probation and obey federal, state and local laws and all rules and regulations governing the practice of dentistry in California, and remain in full compliance with any court-ordered criminal probation, payments and other requirements.
2. Quarterly Declarations – Respondent shall submit quarterly declarations under penalty of perjury on the Board's Quarterly Report of Compliance forms provided by the Board, stating whether there has been compliance with all the conditions of probation.
3. Probation Surveillance – Respondent shall comply with the Board's probation surveillance program.
4. Interviews – Respondent shall appear in person for interviews with a Board representative upon request at various intervals and with reasonable notice.
5. Change of Address – Respondent shall inform the Board in writing within 15 days of any change of place of practice or place of residence. Respondent shall at all times keep the Board informed of her address of business and residence which shall both serve as addresses of record. Under no circumstances shall a post office box serve as an address of record.

Respondent shall also immediately inform the Board, in writing, of any travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) days.

6. License Surrender – Following the effective date of this decision, if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily surrender her license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms and conditions of probation.
7. Absence from State/Practice – In the event respondent should leave California to reside or practice outside the State, respondent must provide written notification to the Board of the dates of departure and return. Periods of residence or practice outside of California will not apply to the reduction of the probationary period. In the event respondent ceases to actively practice dental auxiliary duties in California, respondent must provide written notification of that fact to the Board. The period when the respondent is not practicing will not apply to the reduction of the probationary period. Absence from the state or absence from practice shall not relieve the respondent from fulfilling the conditions of probation requiring reimbursement of costs or restitution to patients or on behalf of patients.
8. Continuance of Probationary Term/Completion of Probation – If respondent violates the terms of this probation in any respect, the Board, after giving respondent notice and the opportunity to be heard, may set aside the stay order and impose the revocation or suspension of respondent's license. If, during the period of probation, an accusation and/or a petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation and/or a petition to revoke probation against respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation and/or the petition to revoke probation has been acted upon by the Board. Upon successful completion of probation, respondent's license will be fully restored.
9. Respondent shall provide a copy of this decision to her employer(s) and immediate supervisor(s) prior to commencement of any registered dental assistant or other health care related employment.

DATED: 11/21/09



RUTH S. ASTLE
Administrative Law Judge
Office of Administrative Hearings