

**TITLE 16. DENTAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS**

PROPOSED LANGUAGE

Amend Sections 1023.2 and 1023.7 of Division 10 of Title 16 of the California Code of Regulations to read as follows:

§ 1023.2. Administrative Fines for Citation.

Where citations issued pursuant to Section 125.9 of the code include an assessment of an administrative fine, they shall be classified according to the nature of the violation and shall indicate the classification on the face thereof as follows:

(a) A class “A” violation is a violation which the executive officer has determined involves a person who has violated a statute/regulation, and either:

(1) the violation presents a substantial probability that death or serious physical harm to a patient could result therefrom; or

(2) the person has been issued three class B violations within a 24-month time period immediately preceding the act, serving as the basis for the citation, without regard to whether the actions to enforce the previous citations have become final. A class “A” violation is subject to an administrative fine in an amount not less than \$1,000 and not exceeding ~~\$2,500~~ \$5,000 for each violation.

(b) A class “B” violation is a violation which the executive officer has determined involves a person who has violated a statute/regulation relating to the practice of dentistry which does not present a substantial probability that either death or serious physical harm to a patient will result therefrom. A class “B” violation is subject to an administrative fine in an amount not less than \$50 and not exceeding ~~\$2,500~~ \$5,000 for each violation.

§ 1023.7. Unlicensed Practice.

The executive officer may issue a citation, in accordance with Section 148 of the code, against any unlicensed person who is acting in the capacity of a licensee under the jurisdiction of the board and who is not otherwise exempt from licensure. Each citation may contain an assessment of an administrative fine, or an order of abatement fixing a reasonable period of time for an abatement. Administrative fines shall range from \$50 to ~~\$2,500~~ \$5,000 for each violation. Any sanction authorized for activity under this section shall be separate from and in addition to any other civil or criminal remedies.