

Recently Adopted Regulation

Effective Date: January 14, 2011

§ 321.1. Fingerprint Submission.

(a) Applicants for licensure and petitioners for reinstatement of a revoked or cancelled license shall successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice as provided in subdivision (b).

(b) Applicants and petitioners shall submit to the Department of Justice electronic fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a state or federal criminal record. The Department of Justice shall forward the fingerprint images and related information received to the Federal Bureau of Investigation and request federal criminal history information. The Department of Justice shall compile and disseminate state and federal responses to the board pursuant to subdivision (p) of Section 11105 of the Penal Code. The board shall request from the Department of Justice subsequent arrest notification service, pursuant to Section 11105.2 of the Penal Code, for each person who submitted information pursuant to this subdivision. The applicant or petitioner shall bear the cost of the fingerprinting.

(c) Licensees who have either not previously submitted fingerprints to the board, or who were initially licensed prior to January 1, 1997, or for whom a record of an electronic submission of fingerprints no longer exists, or who are directed by the board shall successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice as provided in subdivision (b) by the licensee's renewal date that occurs on or after June 1, 2011. A licensee's failure to comply with this requirement by the date designated by the board is unprofessional conduct and may result in the board taking disciplinary action against his or her license.

(d)(1) In order to renew a license, licensees subject to subdivision (c) shall, in addition to meeting any other requirements for renewal of a license, certify on the renewal application that the licensee has successfully completed a state and federal level criminal offender record information search pursuant to subdivision (c).

(2) Licensees shall retain, for at least three years, either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those licensees who did not use an electronic fingerprinting system, a receipt evidencing that the licensee's fingerprints were taken.

(e) The board may waive the requirements of subdivision (c) and (d) for licensees who are actively serving in the United States Military.