STATE OF CALIFORNIA EDMUND G. BROWN JR., Governor

**Board of Chiropractic Examiners**
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# GUIDELINES FOR PETITIONS FOR REINSTATEMENT, REDUCTION OF PENALTY, OR EARLY TERMINATION OF PROBATION

In petitioning for Reinstatement under the Chiropractic Initiative Act Section 10(c) or Reduction of Penalty which would include Early Termination of Probation under Government Code section 11522, the petitioner has the burden of demonstrating any rehabilitative or corrective measures he or she has taken since the revocation or disciplinary action and, that he or she has the necessary and current qualifications and skills to safely engage in the practice of chiropractic within the scope of current law, and accepted standards of practice. In reaching its determination the Board considers various factors including the following:

(a) The original violation(s) for which action was taken against the petitioner's license including:

1. The type, severity, number, and length of violations.
2. Whether the violation involved intentional, negligent or other unprofessional conduct.
3. Actual or potential harm to the public, patients, or others.
4. The length of time since the violation(s) was committed.

(b) Prior disciplinary and criminal actions also taken against the petitioner by the Board, any State, local or Federal agency or court including:

1. The petitioner's compliance with all terms of probation, parole, previous discipline or other lawfully imposed sanctions including any order of restitution.
2. Whether the petitioner is currently on or has been terminated from probation or other lawfully imposed sanction.
3. The petitioner's legal and regulatory history to and since the violation(s).

(c) The petitioner's attitude toward his or her commission of the original violation(s) and his or her attitude in regard to compliance with legal sanctions and rehabilitative efforts.

(d) The petitioner's documented rehabilitative efforts including:

1. Efforts to maintain and/or upgrade professional skills and knowledge through continuing education or other methods.
2. Efforts to establish safeguards to prevent repetition of the original violation(s) including changes or modifications in policies, structure, systems, or methods of behavior applicable to the petitioner's chiropractic practice.

3. Service to community or charitable groups.

4. Voluntary restitution to those affected by the original violation(s).

5. Use of appropriate professional medical or psychotherapeutic treatment.

6. Participation in appropriate self-help and/or rehabilitation groups.

7. Use of appropriate peer review mechanisms.

8. Participation in professional chiropractic organizations or associations.

(e) Assessment of the petitioner's rehabilitative and corrective efforts including:

1. Whether the efforts relate to the original violation(s).

2. The date rehabilitative efforts were initiated.

3. The length, time, and expense associated with rehabilitative efforts or corrective actions.

4. The assessment and recommendations of qualified professionals directly involved in the petitioner's rehabilitative efforts or acting at the request of the Board, including their description of the petitioner's progress and their prognosis of the petitioner's current ability to practice chiropractic.

5. The petitioner's reputation for truth, professional ability and good character since the commission of the original violation(s).

6. The nature and status of ongoing and continuing rehabilitation efforts.

In addition, the Board may consider other appropriate and relevant matters not listed in the above guidelines.

Please note that all statements to be introduced at hearing must be made in person or pursuant to Government Code Section 11514 (evidence by affidavit). All other statements not made in person or pursuant to Government Code Section 11514 must be under oath and will be considered only as administrative hearsay.