

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

PROPOSED REGULATORY LANGUAGE
Repeal of Mental Illness Regulation

Legend: Deleted text is indicated by strikeout.
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Delete Section 315 of Article 2 of Division 4 of Title 16 of the California Code of Regulations as follows:

~~§ 315. Mental Illness.~~

~~(a) Administrative Adjudication. The proceedings under this regulation shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.~~

~~(b) Psychiatric Examinations. When reasonable cause exists that a person holding a license under this Act is mentally ill to the extent that it may affect his ability to conduct with safety to the public the practice authorized by such license, the board may order the license holder to be examined by one or more physicians specializing in psychiatry designated by the board. The report of such persons shall be made available to the license holder and may be received as direct evidence in a proceeding conducted pursuant to subsection (c) of this regulation.~~

~~(c) Probation, Suspension, etc., in Event of Mental Illness; Reinstatement. If a license holder has been found to be mentally ill by one or more physicians specializing in psychiatry designated by the board, the results of which indicates that such illness does effect his ability to conduct, with safety, the practice authorized by his license, the board may take action, in accordance with subdivision (a) of this regulation, by any one of the following methods:~~

- ~~(1) Placing him on probation.~~
- ~~(2) Suspending his right to practice for a period not exceeding one year.~~
- ~~(3) Revoking his license.~~
- ~~(4) Taking such other action in relation to his license as the board in its discretion deems proper.~~

~~The board shall not restore such license to good standing until it shall receive competent evidence, from one or more physicians specializing in psychiatry, designated by the board, of the absence or control of the condition which caused its~~

~~action and until it is satisfied that with due regard to the public interest the licensee's right to practice may be safely reinstated.~~

~~Before reinstating such a person, the board may require the person to pass an oral or written examination, or both, to determine his present fitness to resume his practice.~~

~~(d) Conditions of Reinstatement. In setting aside action taken under subsection (c) of this regulation, the board may impose terms and conditions to be followed by the license holder after his license has been reinstated. The authority of the board to impose terms and conditions includes, but is not limited to, the following:~~

~~(1) Requiring the license holder to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral, or both, and may be a practical or clinical examination, or both, at the option of the board.~~

~~(2) Requiring the license holder to submit to a complete diagnostic examination by one or more physicians appointed by the board. If the board requires the certificate holder to submit to such an examination, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians of the license holder's choice.~~

~~(3) Setting any other requirement the board in its discretion deems proper.~~