

**DEPARTMENT OF CONSUMER AFFAIRS**  
**Title 16. OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA**

**PROPOSED REGULATORY LANGUAGE**

**Retired License, Petitions and Fees**

The amendment format is as follows: Existing language remains unchanged; proposed additions to regulation text and of new text are indicated in single underline and single ~~strikethrough~~ for deletions.

The Osteopathic Medical Board of California hereby proposes to amend its regulations in Sections 1630 of Article 8, 1636 of Article 9, 1646 and 1647 of Article 10, 1656 and 1658 of Article 12; Section 1690 of Article 17; and to adopt Section 1648 of Article 10 of Division 16 of Title 16 of the California Code of Regulations to read as follows:

**Article 8. Active Practice Requirements**

**§ 1630. Good Standing Requirements.**

(a) In order to practice in good standing in California all licensees shall practice in a professional manner and shall comply with both the Continuing Medical Education (CME) Rules set forth in Article 9 and the requirements for renewal set forth in this section ~~pay the biennial renewal fees as set forth in Section 1690.~~

(b) The renewal fee shall be due biennially on or before the expiration date of their license ~~last day of the birth month of the licensee~~. The failure to pay the fee by the licensee's due date will result in the assessment of a nonrefundable delinquent certificate renewal fee as set forth in Section 1690, which must be paid along with the biennial renewal fee at the time of the submission of the application specified in subsection (c) to renew in active status.

(c) As a condition of renewal in active status, on or before the expiration date of their license or within five (5) years after the expiration date of their license, a licensee shall submit a completed renewal application as prescribed by this subsection, satisfactory documentation of compliance with CME Rules as prescribed by Section 1636 and pay any applicable renewal fee(s) specified in subsection (b). "Submit" shall mean delivery by mail or in person at the Board's current physical address listed on its website or through the Board's online portal accessible through the Board's website. A "completed renewal application" shall include all of the following:

(1) The legal name of the licensee. An individual must apply using their full legal name: (Last Name) (First Name) (Middle Name) and/or (Suffix);

(2) License Number and Expiration Date;

- (3) The licensee’s address of record (mailing address);
- (4) the licensee’s business or residential (street) address unless already provided in response to the question in paragraph (3) of this subsection;
- (5) the licensee’s email address;
- (6) the licensee’s phone number and any alternate phone numbers;
- (7) for licensees renewing online through the Board’s website, the licensee shall provide their individual National Provider Identifier, if they have one;
- (8) the licensee’s current license status (active or expired (delinquent)) and whether the licensee is seeking to renew in active status;
- (9) whether the licensee would like to make a voluntary payment contribution per Section 2455.1(b) of the Code for the purposes of the Steven M. Thompson Physician Corps Loan Repayment Program, and, if “yes”, the licensee shall submit any contribution in any amount with the application;
- (10) whether there is any financial interest that the licensee or a member of the licensee’s immediate family (spouse, child, or parent of a licensee, and spouse of a child of a licensee) may have in a health-related facility. For the purposes of this paragraph, the terms “financial interest”, “immediate family” and “health-related facility” have the meanings set forth in Section 2426 of the Code. If “yes,” the licensee shall disclose the name(s) and physical address(es) of the health-related facility or facilities;
- (11) A statement indicating whether the licensee, since their last renewal, has been convicted of, pled guilty to, or pled nolo contendere to, any crime including, an infraction, misdemeanor or felony in the United States, any district or territory of the United States, or a foreign country. For the purposes of this paragraph, convictions expunged or dismissed under sections 1000, 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code (or equivalent non-California law) must be disclosed. For the purposes of this paragraph “conviction” does not include any of the following:
- (A) Offenses that were adjudicated in the juvenile court.
  - (B) Charges dismissed under Section 1000.3 of the Penal Code.
  - (C) Convictions under California Health and Safety Code section 11357, or section 11360(b) which are two years old or older.
  - (D) Traffic citations or infractions for which a fine of \$500 or less was imposed and not involving alcohol, dangerous drugs, or controlled substances.

(12) A statement indicating whether the licensee, since their last renewal, has had any disciplinary action against any license, registration, certificate, permit or other means to engage in any practice issued to the licensee by any government agency (“license”). “Government agency” means any regulatory or licensing board in this State (excluding this Board) or any other state, any United States district or territory, federal agency or another country. “Disciplinary action” means an adverse licensure action that resulted in a restriction or penalty being placed on the license, such as revocation, suspension, probation, voluntary surrender or public reprimand or reproof.

(13) A statement acknowledging the applicant has read the following notice: “As a condition of renewal, you are required to comply with the Board’s continuing medical education (CME) requirements in Article 9 of Division 16 of the California Code of Regulations, including submission of a written statement documenting compliance as set forth in Title 16, California Code of Regulations section 1636. Your license will not be renewed if you fail to comply with the Board’s CME requirements. By signing this application, you acknowledge that you have received and read this notice.”

(14) A statement signed and dated by the licensee under penalty of perjury under the laws of the State of California that all statements made in the application and any attachments are true and correct.

(ed) The processing times for renewal are set forth in Section 1691.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2018, 2456.1 and 3600-1, Business and Professions Code. Reference: Sections 2190, 2426, 2451, 2455.1, 2456 and 2456.1, 2456.2 and 2456.3, Business and Professions Code; and Section 15374 et seq., Government Code.

## **Article 9. Continuing Medical Education**

### **§ 1636. Continuing Medical Education Documentation.**

(a) Osteopathic physicians and surgeons renewing in active status shall report the total number of continuing medical education (CME) hours as provided in subsection (b) to the Board with the renewal application specified in Section 1630.

(b) For the purposes of Section 1635, satisfactory documentation shall mean a written statement to the Board, signed and dated by the osteopathic physician and surgeon (“licensee”), that includes disclosures of all of the following:

(1) The following personally identifying information:

(A) Licensee's full legal name (first, middle, last, suffix (if any)),

(B) Licensee's license number,

(C) Mailing address,

(D) Telephone number; and,

(E) Email address, if any.

(2) Whether during the two years immediately preceding their license expiration date, the licensee completed a minimum of 50 hours of American Osteopathic Association (AOA) CME, of which at least:

(A) 20 hours were completed in AOA Category 1 CME as defined in Section 2454.5 of the Code, and,

(B) the remaining 30 CME hours were earned for coursework accredited by either the AOA or the American Medical Association (AMA).

(3) Whether within four years of their initial licensure or by their second renewal, the licensee completed a one-time 12-hour CME course in the subjects of pain management and the treatment of terminally ill or dying patients ("pain management course") as specified by Section 1635.

(4) If the licensee has not completed the pain management course referenced in subsection (b)(3), whether the licensee meets any of the following criteria:

(A) The licensee is practicing in pathology or radiology specialty areas,

(B) The licensee is not engaged in direct patient care as defined in Section 1635,

(C) The licensee does not provide patient consultations regarding a patient located in California,

(D) The licensee completed a one-time continuing education course of 12 credit hours in the subject of treatment and management of opiate-dependent patients, including eight hours of training in buprenorphine treatment, or other similar medicinal treatment, for opioid use disorders; or,

(E) The licensee meets one of the conditions listed in paragraph (5) of subsection (f) of Section 1635 for a "qualifying physician."

(5) Whether during the two years immediately preceding their license expiration date, the licensee completed a course on the risks of addiction associated with the use of Schedule II drugs as specified in Section 1635, including a course in pain management as referenced in subsection (b)(3).

(6) Whether the licensee obtained a waiver from the Board for all or any portion of the current CME requirements specified in Section 1635 for this CME reporting period in accordance with Section 1637.

(7) A certification by the licensee under penalty of perjury under the laws of the State of California that all statements made in response to disclosures required by subsections (b)(1)-(6) are true and correct.

(c) Licensees who have reported CME compliance as specified in this section shall be subject to random audit of their CME hours. Within 65 days of the date of the Board's written request, those licensees selected for audit shall be required to document their compliance with the CME requirements of this article and shall be required to respond to any inquiry by the Board regarding compliance with this article and/or provide to the Board the records retained pursuant to subsection (d).

(d) Each licensee shall retain documents demonstrating compliance as provided in this subsection for each CME requirement period for six years from the completion date of the course(s) or condition(s) claimed as credit towards satisfaction of, or exemption from, the requirements of Section 1635. Those licensees selected for audit shall be required to submit documentation of their compliance with the CME requirements as specified by this article. Documents demonstrating compliance include any of the following:

(1) A copy of their individual CME Activity Summary report as compiled from documents submitted to the AOA's Continuing Medical Education Program by both sponsors and the licensee, which includes, at a minimum, all of the following on official AOA letterhead or other document issued by the AOA bearing an AOA insignia:

(A) Licensee's name,

(B) Licensee's license number and,

(C) All CME course credits reported to the AOA during the relevant CME reporting requirement period, including: 1. CME course or activity name, 2. CME sponsor/provider name, 3. CME credit type (e.g., Category type, such as Category 1A or 1B), 4. CME credit hours earned or each course or activity by the licensee and submitted by the licensee for AOA approval, 5. all credits applied or accepted by the AOA by course or activity, and, 6. completion dates for each CME course or activity.

(2) Copies of any transcripts or certificates of completion from a CME course provider accredited by the AOA or AMA, which list, at a minimum, all of the following:

(A) the name of the licensee,

(B) the title of the course(s)/program(s) attended,

(C) the amount of CME credit hours earned,

(D) the dates of attendance,

(E) the name of the CME provider; and,

(F) For AOA accredited courses, CME credit type (e.g., Category type, such as Category 1A or 1B).

(3) For AMA accredited CME course hours earned, reports from any CME course provider accredited by AMA, to be furnished by the licensee, and listing at a minimum:

(A) the name of the licensee,

(B) the title of the course(s)/program(s) attended,

(C) the amount of CME credit hours earned,

(D) the dates of attendance; and,

(E) the name of the CME provider.

(4) For any exemptions from CME requirements claimed by the licensee in paragraph (4) of subsection (b), the following documentation, as applicable:

(A) For claims of practice exemption per (b)(4)(A)-(C), copies of employment records or letters or other documents from an employer showing the licensee's name, dates of practice, and confirming the type of practice claimed as represented by the licensee on their report;

(B) For claims of completion of alternative CME coursework as specified in (b)(4)(D) or (E), any of the documents specified in paragraphs (1)-(3) of this subsection.

(C) 1. For claims of exemption as a "qualifying physician" based on specialty certification as specified in (b)(4)(E), certification received directly from the applicable certifying body of the licensee's certification in a specialty that includes a document containing, at minimum, the following:

- a. Licensee's name;
- b. Licensee's address,
- c. Name of the specialty board,
- d. Name of specialty,
- e. Date certification in the specialty was issued,
- f. Date certification in the specialty expires, and,
- g. on official letterhead or other document issued by the specialty organization bearing their insignia.

Submission of a licensee's Official Physician Profile Report from the American Osteopathic Association directly to the Board electronically that lists the specialty certifications claimed by the licensee shall be deemed compliant with the requirements of this paragraph.

2. For claims of exemption as a "qualifying physician" due to the licensee being an investigator in one or more clinical trials leading to the approval of a narcotic drug as specified by Section 1635, a copy of a letter or other document, signed and dated by the sponsor showing submission of a statement from the sponsor to the U.S. Secretary of Health and Human Services that includes the licensee's name and that the licensee was an investigator in one or more clinical trials leading to the approval of a specified narcotic drug in schedule III, IV, or V for maintenance or detoxification treatment.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2018, 2451 and 3600-1, Business and Professions Code. Reference: Sections 2190.5, 2190.6, 2452 and 2454.5, Business and Professions Code.

## **Article 10. Inactive Practice and Retired Licenses**

### **§ 1646. Procedure for Obtaining an Inactive Certificate or for Restoration to Active Status.**

(a) Any physician and surgeon desiring an inactive certificate shall submit an completed application to the Board in compliance with subsection (b)~~(License Renewal OMB.2 or OMB.2a Rev.11/94).~~

(b) As a condition of renewal in inactive status, on or before the expiration date of their license or within five (5) years after the expiration date of their license, a licensee shall

submit a completed inactive renewal application as prescribed by this subsection, and pay the applicable renewal fee(s) required by Section 1647. “Submit” shall mean delivery by mail or in person at the Board’s current physical address listed on its website or through the Board’s online portal accessible through the Board’s website. A “completed inactive renewal application” shall include all of the following:

(1) The legal name of the licensee. An individual must apply using their full legal name: (Last Name) (First Name) (Middle Name) and/or (Suffix);

(2) License Number and Expiration Date;

(3) The licensee’s address of record (mailing address);

(4) the licensee’s business or residential (street) address unless already provided in response to the question in paragraph (3) of this subsection;

(5) the licensee’s email address;

(6) the licensee’s phone number and any alternate phone numbers;

(7) for licensees renewing online through the Board’s website, the licensee shall provide their individual National Provider Identifier, if they have one;

(8) the licensee’s current license status (active, inactive or expired (delinquent)) and whether the licensee is seeking to renew in inactive status;

(9) whether the licensee would like to make a voluntary payment contribution per Section 2455.1(b) of the Code for the purposes of the Steven M. Thompson Physician Corps Loan Repayment Program, and, if “yes”, the licensee shall submit any contribution in any amount with the application;

(10) whether there is any financial interest that the licensee or a member of the licensee’s immediate family (spouse, child, or parent of a licensee, and spouse of a child of a licensee) may have in a health-related facility. For the purposes of this paragraph, the terms “financial interest”, “immediate family” and “health-related facility” have the meanings set or forth in Section 2426 of the Code. If “yes,” the licensee shall disclose the name(s) and physical address(s) of the health-related facility or facilities;

(11) A statement indicating whether the licensee, since their last renewal, has been convicted of, pled guilty to, or pled nolo contendere to, any crime including, an infraction, misdemeanor or felony in the United States, any district or territory of the United States, or a foreign country. For the purposes of this paragraph, convictions expunged or dismissed under sections 1000, 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code (or equivalent non-California law) must be disclosed. For the purposes of this paragraph “conviction” does not include any of the following:

(A) Offenses that were adjudicated in the juvenile court.

(B) Charges dismissed under Section 1000.3 of the Penal Code.

(C) Convictions under California Health and Safety Code section 11357, or section 11360(b) which are two years old or older.

(D) Traffic citations or infractions for which a fine of \$500 or less was imposed and not involving alcohol, dangerous drugs, or controlled substances.

(12) A statement indicating whether the licensee, since their last renewal, has had any disciplinary action against any license, registration, certificate, permit or other means to engage in any practice issued to the licensee by any government agency ("license"). "Government agency" means any regulatory or licensing board in this State (excluding this board) or any other state, any United States territory, federal agency or another country. "Disciplinary action" means an adverse licensure action that resulted in a restriction or penalty being placed on the license, such as revocation, suspension, probation, voluntary surrender or public reprimand or reproof.

(13) A statement signed and dated by the licensee under penalty of perjury under the laws of the State of California that all statements made in the application and any attachments are true and correct.

(bc) In order to restore an inactive certificate to an active status, the licensee shall have completed a minimum of 20 hours of Category 1 CME as defined by the American Osteopathic Association (AOA) during the 12-month period immediately preceding the licensee's completed application for restoration, submit a completed application for restoration, pay the nonrefundable biennial renewal fee set forth in Section 1690 of this Division and the nonrefundable Controlled Substance Utilization Review and Evaluation System (CURES) fee currently required by Section 208 of the Code. A completed application for restoration includes the following:

(1) Licensee's Full Name (First), (Middle), (Last), (Suffix, if any),

(2) Licensee's License (Certificate) Number,

(3) Licensee's Address,

(4) Licensee's Email Address,

(5) Licensee's Telephone Number,

(6) An affirmative statement that during the 12-month period immediately preceding the date of the filing of this application, the licensee completed a minimum of 20 hours in AOA Category 1 CME; and,

(7) The following statement, signed and dated by the licensee: "I am requesting that the Osteopathic Medical Board of California activate my license."

(ed) The inactive status of a certificate holder shall not deprive the Board of its authority to institute or continue a disciplinary proceeding against the licensee on any ground provided by law or to enter an order suspending or revoking the certificate or otherwise taking disciplinary action against the licensee on any ground.

(de) The processing times for obtaining an inactive certificate or reactivating an inactive certificate to active status are set forth in Section 1691.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p, xciii), Section 1; and Sections 2018 and 3600-1, Business and Professions Code. Reference: Sections 701, 704, 2426, and 2454.5 and 2456.3, Business and Professions Code.

#### **§ 1647. Inactive Certificate Issuance, Renewal and Fees.**

(a) An inactive certificate shall be issued upon payment of the ~~normal nonrefundable~~ biennial inactive certificate renewal fee as set forth in Section 1690, any applicable nonrefundable delinquency fees that have been assessed by the Board as specified in subsection (b), and, submission of a completed inactive renewal application as set forth in Section 1646.

(b) An inactive certificate shall be renewed biennially on or before the last day of the birth month the expiration date of the licensee. The failure to pay the biennial inactive certificate renewal fee by the licensee's due date will result in the assessment of a delinquent inactive certificate renewal fee as set forth in Section 1690.

(c) The processing times for the biennial renewal of an inactive certificate are set forth in Section 1691.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2018, 2456.1 and 3600-1, Business and Professions Code. Reference: Sections 703, 2456, and 2456.1 and 2456.2, Business and Professions Code; Section 15374 et seq., Government Code.

## § 1648. Retired License Status.

(a) For the purposes of this section, “disciplinary reasons” means that the applicant's practice was restricted by order of the Board for violations of the Act, the Board’s Regulations in this Division, or Section 822 of the Code, including orders resulting from:

(1) an accusation filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code seeking to revoke, suspend, or place the license on probation; or,

(2) an interim suspension order filed pursuant to Section 494 of the Code.

(b) An osteopathic physician and surgeon licensee (“applicant”) may apply for and, upon compliance with the requirements in subdivision (d), be issued a license by the Board in retired status (“retired license”).

(c) A holder of a retired license is not required to renew that license or meet the continuing medical education requirements as set forth in Section 2454.5 of the Code and Article 9 of this Division.

(d) In order to be eligible for a retired license, an applicant shall:

(1) Complete and submit a form to the Board titled “Application for Retired License OMB.31 (New 11/2025),” which is hereby incorporated by reference;

(2) Pay the nonrefundable retired license application fee as set forth in Section 1690;

(3) Have an active or inactive license issued by the Board;

(4) Not have been placed on inactive status by the Board due to disciplinary reasons; and,

(5) Not be actively engaged in practice as an osteopathic physician and surgeon or engaged in any activity that requires them to be licensed by the Board.

(e) A holder of a retired license issued pursuant to this section shall not engage in any activity for which an active license is required.

(f) To be eligible to restore a retired license to active status within five years of being issued a retired license, an applicant shall:

(1) Complete and submit a form to the Board titled “Application to Restore Retired License to Active Status OMB.32 (New 11/2025),” which is hereby incorporated by reference;

(2) Pay the nonrefundable biennial renewal fee for an osteopathic physician and surgeon, as set forth in Section 1690;

(3) Have completed a minimum of fifty (50) hours of continuing medical education within the last two years prior to applying to restore the license to active status in compliance with Section 2454.5 of the Code and Article 9 of this Division;

(4) If an electronic record of the submission of fingerprints does not exist in the Department of Justice's criminal offender identification database and on written request of the Board, furnish to the Department of Justice a full set of fingerprints for the purposes of conducting criminal history record checks pursuant to Section 2042 of the Code.

(g) If a licensee who has been in retired status for more than five years seeks an active license, the individual may apply for a new license in accordance with Section 1651.

NOTE: Authority cited: Sections 464 and 2018, Business and Professions Code Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 3600-1. Reference: Sections 118, 144, 464, 703, 2042, 2221, 2427, 2428, 2452, 2454.5 and 2455, Business and Professions Code.

## **Article 12. Substantial Relationship and Rehabilitation Criteria; Petitions for Modification of Penalty or Reinstatement**

### **§ 1656. Petition for Reinstatement or Modification of Penalty.**

(a) A petition for reinstatement of a certificate or the modification of penalty (including written requests for modification of the terms and conditions of probation or early termination of probation) shall be filed at the Board's Sacramento office no later than thirtyone hundred and twenty (30120) days before any meeting of the Board using the form titled "Petition for Penalty Relief OMB.7 (New 11/2025)" (Form OMB.7), which is hereby incorporated by reference, and shall include the nonrefundable petition for reinstatement application fee as specified in Section 1690 or the nonrefundable modification of penalty application fee as set forth in Section 1690, whichever is applicable, and meet the applicable requirements of subsection (c).

(b) Such petition shall not be heard by the Board unless the time elapsed from the effective date of the original disciplinary decision or from the date of the denial meets the requirements of ~~the~~ Business and Professions Code Sections 2307 and 2273(b), as applicable.

(c) (1) The petition shall be accompanied by ~~the~~ at least two verified recommendations from physicians and surgeons licensed by the Board as required by Code Section 2307.

(2) All petitioners for reinstatement shall meet the following requirements prior to submission of Form OMB.7 referenced in subsection (a).

(A) Subject to paragraph (C), all petitioners for reinstatement must submit fingerprints through the California Department of Justice’s electronic fingerprint submission Live Scan Service (“Live Scan”) by completing the California Department of Justice Form “Request for Live Scan Service,” and submitting fingerprinting, through Live Scan as described in this subsection.

(B) Each petitioner for reinstatement shall take the completed “Request for Live Scan Service” form to a Live Scan location to have their fingerprints taken by the operator. The petitioners for reinstatement will be required to pay all fingerprint processing fees payable to the Live Scan operator, including the Live Scan operator’s “rolling fee,” if any, and fees charged by the California Department of Justice and the Federal Bureau of Investigation. For current information about fingerprint background checks, and Live Scan locations, please visit the Attorney General’s website at: <https://oag.ca.gov/fingerprints>.

(C) Petitioners for reinstatement residing outside of California who cannot be fingerprinted electronically through Live Scan in California must have their fingerprints taken at a law enforcement agency in their state of residence, using fingerprint cards. Petitioners for reinstatement shall complete and mail two fingerprint cards, together with the California Department of Justice and the Federal Bureau of Investigation fingerprinting fees (either personal check drawn on a U.S. bank, money order or certified check), payable to the “California Department of Justice,” to:

OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA

ATTENTION: LICENSING UNIT

1300 NATIONAL DRIVE, SUITE 150

SACRAMENTO, CA 95834

(D) Resubmission process. Petitioners for reinstatement will be notified if the first fingerprint card or Live Scan fingerprints are rejected. If rejected, applicants submitting under paragraph (C) will have their second fingerprint card resubmitted to the Department of Justice on their behalf by the Board. Petitioners for reinstatement submitting fingerprints through Live Scan as set forth in paragraph (A) must follow the instructions on the Board’s rejection letter, and resubmit fingerprints as described under the process in paragraphs (A) and (B).

(E) Each petitioner for reinstatement shall retain a copy of their completed Live Scan form or completed fingerprint cards referenced in paragraphs (A) and (B) or (C), as applicable, and submit it with their Form OMB.7 and all other required information referenced in subsection (a).

(d) The processing times for a petition for reinstatement of a certificate or modification of penalty are set forth in Section 1691.

(e) Fees paid to the Board for the processing and adjudication of a petition as required by this section shall be submitted in the form of a money order, certified check, cashiers' check, or preprinted personal or company check, which shall clearly indicate the name of the petitioner to whom it applies. Processing of any Form OMB.7 application shall commence only after the fee specified in subsection (a) has been received, the payment clears the petitioner's bank, and the funds are deposited in the Board's account within 30 days of the check or money order being deposited.

(f) If payment is made in accordance with subsection (e), the petition is not withdrawn by the petitioner or rejected by the Board for failing to meet the requirements set forth in Sections 2307 of the Code or this section, the petitioner shall be provided written notice that the Board has accepted the petition to be set for a hearing.

(1) Written notice shall include that: (A) the petition has been accepted by the Board to be set for a hearing, (B) the matter will be set for a petition hearing before an administrative law judge (ALJ) assigned by OAH upon payment to the Board of the applicable fee required to adjudicate a petition for reinstatement or modification of penalty as set forth in Section 1690; and (C) payment must be made and cleared for deposit of funds with the Board within 90 days of the date the Board sent the written notification of acceptance of the petition to be set for hearing.

(2) For the purposes of this section "reasonable costs" include the costs charged by the Office of the Attorney General and the Office of Administrative Hearings (OAH) for reviewing, preparing for, and participating in the hearing, and any certified shorthand reporter services related to the preparation of the transcript on the hearing for either a petition for reinstatement or a petition for modification of penalty, as applicable, and costs charged by OAH for the preparation and transmission of the petition decision to the Board after the hearing.

(3) Within 120 days of the date of a petitioner's hearing on their petition, the Board shall provide the petitioner a fee payment statement detailing the following:

(A) The reasonable costs incurred by the Board in adjudicating their petition calculated in accordance with Section 1690; and

(B) If the costs incurred by the Board are less than initially required to be paid to adjudicate the petition as specified in subsection (f)(1), a statement detailing the refund that will be provided and the anticipated date when the refund will be issued.

(g) Failure to comply with the requirements of this section shall result in the petition being rejected by the Board as incomplete. Written notice of such rejection and the reasons therefore shall be provided to the petitioner upon the Board's determination that the petitioner has not met the requirements of this section.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2018 and 3600-1, Business and Professions Code. Reference: Sections 2042, 2273, 2307, 2451 and 2452, Business and Professions Code; and Section 15374 et seq., Government Code.

### **§ 1658. Petitions for Reinstatement of Certificates Restricted or Revoked Due to Mental or Physical Illness.**

(a) A petition for reinstatement of a certificate restricted, surrendered or revoked for mental or physical illness shall be filed at the Board's Sacramento office no later than one hundred and ~~twentysixty~~ (60) 120 days prior to any meeting of the Board using the form titled "Petition for Penalty Relief OMB.7 (New 11/2025)" (Form OMB.7) incorporated by reference in Section 1656, and shall include the nonrefundable petition for reinstatement application fee as specified in Section 1690 or the nonrefundable modification of penalty application fee as set forth in Section 1690, whichever is applicable, and shall delineate the evidence of the absence or control of the condition which led to the revocation or restriction.

(b) The processing times for a petition for reinstatement of a certificate restricted or revoked due to mental or physical illness are set forth in Section 1691.

(c) All petitioners for reinstatement shall meet the following requirements prior to submission of Form OMB.7 referenced in subsection (a).

(1) Subject to paragraph (3), all petitioners for reinstatement must submit fingerprints through the California Department of Justice's electronic fingerprint submission Live Scan Service ("Live Scan") by completing the California Department of Justice Form "Request for Live Scan Service," and submitting fingerprinting, through Live Scan as described in this subsection.

(2) Each petitioner for reinstatement shall take the completed "Request for Live Scan Service" form to a Live Scan location to have their fingerprints taken by the operator. The petitioners for reinstatement will be required to pay all fingerprint processing fees payable to the Live Scan operator, including the Live Scan operator's "rolling fee," if any, and fees charged by the California Department of Justice and the Federal Bureau of Investigation. For current information about fingerprint

background checks, and Live Scan locations, please visit the Attorney General's website at: <https://oag.ca.gov/fingerprints>.

(3) Petitioners for reinstatement residing outside of California who cannot be fingerprinted electronically through Live Scan in California must have their fingerprints taken at a law enforcement agency in their state of residence, using fingerprint cards. Petitioners for reinstatement shall complete and mail two fingerprint cards, together with the California Department of Justice and the Federal Bureau of Investigation fingerprinting fees (either personal check drawn on a U.S. bank, money order or certified check), payable to the "California Department of Justice," to:

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ATTENTION: LICENSING UNIT

1300 NATIONAL DRIVE, SUITE 150

SACRAMENTO, CA 95834

(4) Resubmission process. Petitioners for reinstatement will be notified if the first fingerprint card or Live Scan fingerprints are rejected. If rejected, applicants submitting under paragraph (3) will have their second fingerprint card resubmitted to the Department of Justice on their behalf by the Board. Petitioners for reinstatement submitting fingerprints through Live Scan as set forth in paragraph (1) must follow the instructions on the Board's rejection letter, and resubmit fingerprints as described under the process in paragraphs (1) and (2).

(5) Each petitioner for reinstatement shall retain a copy of their completed Live Scan form or completed fingerprint cards referenced in paragraphs (1) and (2) or (3), as applicable, and submit it with their Form OMB.7 and all other required information referenced in subsection (a).

(d) Fees paid to the Board for the processing and adjudication of the petition as required by this section shall be submitted in the form of a money order, certified check, cashiers' check, or preprinted personal or company check, which shall clearly indicate the name of the petitioner to whom it applies. Processing of any Form OMB.7 application shall commence only after the fee specified in subsection (a) has been received, the payment clears the petitioner's bank, and the funds are deposited in the Board's account within 30 days of the check or money order being deposited.

(e) If payment is made in accordance with subsection (d), the petition is not withdrawn by the petitioner or rejected by the Board for failing to meet the requirements set forth in

Section 2307 of the Code or this section, the petitioner shall be provided written notice that the Board has accepted the petition to be set for a hearing.

(1) Written notice shall include that: (A) the petition has been accepted by the Board to be set for a hearing, (B) the matter will be set for a petition hearing before an administrative law judge (ALJ) assigned by OAH upon payment to the Board of the applicable fee required to adjudicate a petition for reinstatement or modification of penalty as set forth in Section 1690; and (C) payment must be made and cleared for deposit of funds with the Board within 90 days of the date the Board sent the written notification of acceptance of the petition to be set for hearing.

(2) For the purposes of this section “reasonable costs” include the costs charged by the Office of the Attorney General and the Office of Administrative Hearings (OAH) for reviewing, preparing for, and participating in the hearing, and any certified shorthand reporter services related to the preparation of the transcript on the hearing for either a petition for reinstatement or a petition for modification of penalty, as applicable, and costs charged by OAH for the preparation and transmission of the petition decision to the Board after the hearing.

(3) Within 120 days of the date of a petitioner’s hearing on their petition, the Board shall provide the petitioner a fee payment statement detailing the following:

(A) The reasonable costs incurred by the Board in adjudicating their petition calculated in accordance with Section 1690; and

(B) If the costs incurred by the Board are less than initially required to be paid to adjudicate the petition as specified in subsection (e)(1), a statement detailing the refund that will be provided and the anticipated date when the refund will be issued.

(f) Failure to comply with the requirements of this section shall result in the petition being rejected by the Board as incomplete. Written notice of such rejection and the reasons therefore shall be provided to the petitioner upon the Board’s determination that the petitioner has not met the requirements of this section.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 820 and 3600-1, Business and Professions Code. Reference: Sections 822 and 823, 2042, 2307 and 2307.5, Business and Professions Code; and Section 75374 et seq., Government Code.

## Article 17. Fees

### § 1690. Fees.

The fees charged by the Board are as follows:

(a) Physician and surgeon's original certificate application fee: ~~\$200~~400 (\$100 shall be returned if applicant's credentials are insufficient).

(b) Physician and surgeon's reciprocity certificate application fee: ~~\$200~~400 (\$100 shall be returned if applicant's credentials are insufficient).

(c) Physician and surgeon's postgraduate training license non-refundable application and processing fee: \$491.

(d) Duplicate certificate, name change, certification endorsement fee: \$25.

(e) Biennial Renewal fee: \$400.

(f) Biennial Inactive Certificate Renewal fee: ~~\$300~~399.

(g) Delinquent Certificate Renewal fee: ~~\$400~~200.

(h) Delinquent Inactive Certificate Renewal fee: \$199.50.

(h<sub>i</sub>) Fictitious Name Permit fee: \$100; Renewal fee: \$50.

(j) Retired License application fee: \$200.

(k) Application to Restore Retired License to Active Status \$400.

(l) Petition for Reinstatement application fee: \$2800.

(m) Petition for Modification of Penalty application fee: \$1500.

(n) Fee Required to Adjudicate a Petition for Reinstatement or Modification of Penalty per Sections 1656 or 1658: \$20,000 unless the petitioner is entitled to a decrease in fees as provided in subsection (o), in which case the final fee required to adjudicate a petition shall be calculated as provided in that subsection.

(o) In accordance with sections 1656 and 1658, the Board shall provide each petitioner an itemized invoice that shows the initial determination by the Board of the reasonable costs for adjudicating their petition expressed in a total dollar value number. If the total dollar value number for the Board's reasonable costs is less than the amount set forth in

subsection (n), then the final fee required to adjudicate a petition shall be reduced to that total value number and reflected in the invoice provided to the petitioner pursuant to sections 1656 or 1658, as applicable.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2018, 2064.5, 2307.5, 2452, 2456.1 and 3600-1, Business and Professions Code. Reference: Sections 2064.5, 2307.5, 2451, 2452, and 2455, 2456, 2456.1 and 2456.2, Business and Professions Code; Section 13143, Government Code.