

INSTRUCTIONS FOR COMPLETING A VETERINARY MEDICAL BOARD PETITION FOR REINSTATEMENT OR MODIFICATION OF PENALTY

Effective January 1, 2018

Prior to commencing the Petition package, ensure that you qualify to submit a Petition at this time. Review the timeframes for the three different types of Petitions below. If you do qualify to Petition, please read these instructions thoroughly. Type or print your answers clearly. If an item does not apply, enter "N/A." Attach a separate sheet of paper if additional space is needed to answer a question. Petitions that are not legible, fully completed, or not prepared in accordance with these instructions will be returned.

1. **Petition for Reinstatement** – A person may file a Petition after a period of at *least three years* has elapsed from the effective date of the surrender or revocation.
2. **Petition for Early Termination or Modification** – If the period of probation is *three years or more*, a Petition may be filed when at least **two years** have elapsed from the effective date of the disciplinary action.
3. **Petition for Modification or Termination** – If the period of probation is *less than three years*, the Petition can be filed **after one year** has elapsed from the effective date of the disciplinary action.

Your Petition package must specify the facts and be accompanied by at least two verified recommendations from veterinarians licensed by the Board who have personal knowledge of your activities since the disciplinary penalty was imposed. You must also provide a narrative statement with your Petition (see instructions below).

A petition will not be considered if you are under sentence for any criminal offense, including any period during which you are on court-imposed probation or parole.

The Board may deny without a hearing or argument any Petition filed within a period of two years from the effective date of the prior decision following a Petition hearing.

Letters of Recommendation

Attach at least two **original** letters of recommendation from veterinarian licensed by the Board who have personal knowledge of your activities since the date the disciplinary penalty was imposed (revocation or probation). The letters cannot be dated more than 6 months before the date you sign your Petition. Instruct your colleagues to verify their letters of recommendation by including the following declaration above the signature line.

"I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct."

Letters of recommendation without the above declaration cannot be admitted as evidence during the administrative hearing.

The letters of recommendation from colleagues, who are aware of the action against your license, should provide personal information about the way in which you have changed since the disciplinary action was ordered. All letters of recommendation are verified by the Board. Therefore, each letter must contain the person's current address and a valid phone number where he/she can be reached.

Narrative Statement Sheet

The Petition package must include a brief and concise narrative sheet attached on a separate sheet of paper to the Petition. In the narrative statement, tell the Board what you want and the reasons your request should be granted. Give a brief factual description of the offense that was the basis of the action which prompted the disciplinary action. Give details (schools, class names, credit hours, certificates, dates) and copies (with appropriate back-up documentation) of your continuing education, training programs, seminars, or educational courses, as well as any veterinary practice journals you read on a regular basis. Give details and documented proof of your rehabilitative efforts and results, including programs, psychotherapy, medical treatment, and their duration.

Attach any appropriate supervisor's performance evaluations pertaining to your current assignments in the veterinarian field. Lastly, attach a copy of your current résumé/curriculum vitae.

If you are petitioning for **Reinstatement**, include in your narrative statement responses to these questions: (1) During the period of time that your license has been revoked or surrendered, how have you earned a living? (2) What aspect of your rehabilitation do you feel will protect against the recurrence of your prior conduct? (3) What are your plans if your license is reinstated? (4) Where will you practice?

Petitions for Reinstatement (ONLY)

Fingerprints must be obtained and submitted with the Petition for Reinstatement as follows:

- ❖ If you reside in California, you must complete a "Request for Live Scan Service" form. California Department of Justice (DOJ) provides statewide Live Scan, which is an electronic fingerprinting system. The form must be completed in triplicate; therefore, three copies of the form will be printed automatically. A list of the names and locations of approved fingerprint sites can be accessed at: <http://ag.ca.gov/fingerprints/publications/contact.htm>
- ❖ **NOTE:** The last section of the Live Scan form requires information from the fingerprint agency. Please ensure this information is completed or the forms will be voided. You must ensure that the person scanning the fingerprints submits two digital prints, one for DOJ and one for the FBI. After the fingerprint agency has signed and completed the request, a copy must be returned with your Petition.
- ❖ If you reside outside of California, you must complete and return two fingerprint cards. Both cards must be taken to any law enforcement agency for completion. Your Petition cannot be processed without **two completed** fingerprint cards. **DO NOT STAPLE THE CARDS TO THE PETITION. DO NOT PHOTOCOPY THE CARDS.**
- ❖ To obtain the fingerprint cards, contact the Board at (916) 515-5220 or by email to ymb@dca.ca.gov.

Administrative Hearing

An administrative hearing is held for all three types of Petitions (Reinstatement, Modification of Penalty, or Termination of Probation). Below is some general information regarding the hearing:

- After receipt of your Petition, it will take approximately 120 days to investigate and process your Petition. It will then be forwarded to the appropriate Attorney General's Office; their staff will contact you with a written notice of the time, date, and place of the Petition hearing. Hearings are scheduled in cities in Southern and Northern California on a rotating basis.
- You should be present a half hour before your appointed hearing time. Most cases are set for one hour increments.
- The Board will request the presence of an Administrative Law Judge (ALJ) sitting alone who will preside over the hearing. The ALJ will provide legal and practical assistance to the Board members and write the final decision. You will be asked questions under oath. You should apprise the ALJ of any circumstances that have changed since you filed your Petition.
- At the hearing, you will be afforded the opportunity to present both oral and written evidence of your rehabilitation. You may, but need not be represented by counsel. In deciding the case, the Board members will take into consideration the Petition, all recommendations, and any oral or written evidence.
- You will not be allowed to re-litigate any prior disciplinary action taken against your license. Emphasis should be put on evidence of rehabilitation, rather than a discussion of the merits of the previous case that resulted in the disciplinary action or the probationary license.
- The Board members and Deputy Attorney General may ask questions to clarify your testimony. The ALJ will disallow questions that are inappropriate or that solicit new evidence that has not already been provided.

Proposed Decision

After the hearing, the ALJ is permitted 30 days to prepare a Proposed Decision, upon which the Board will act. The Proposed Decision in your case will be mailed approximately 60 days after the hearing. The decision will not be announced orally at the hearing.

PLEASE NOTE: The ALJ's Proposed Decision is not binding on the Board and can be changed by the Board members through the appropriate actions provided in the law.

The entire Petition process can take approximately one year from the date the completed Petition is received by the Board until the Board renders a final decision in the matter.

Submitting the Petition

- ✓ Complete and assemble the original Petition, which includes the original letters of recommendation and narrative statement.
- ✓ Make two photocopies of the package. Once you submit the original and two copies of the Petition package to the Board, you cannot submit any additional information until you attend the administrative hearing.
- ✓ Staple or use a binder clip for each package (do not bind).
- ✓ If this is for a Petition for Reinstatement, include the copy of the Live Scan form or the completed fingerprint cards (if you reside outside of California).
- ✓ Mail the Petition and copies to:

Veterinary Medical Board
Attention: Formal Discipline Unit
1747 N. Market Blvd., Suite 230
Sacramento, CA 95834-2978

- ✓ Direct any questions you have regarding your Petition package to the Board's Formal Discipline Unit at (916) 515-5220.