

MEMORANDUM

DATE	November 7, 2022
TO	Physician Assistant Board (Board)
FROM	Karen Halbo, Regulations Counsel, Attorney III Jasmine Dhillon, Legislative and Regulatory Specialist
SUBJECT	14. Update, Discussion, and Possible Action on Proposal to Amend 16 CCR Sections 1399.506, 1399.507, 1399.511, and 1399.546 – Application, Exam Scores, Addresses & Recordkeeping Consideration of Public Comments and Potential Modifications to Text

Background

Senate Bill (SB) 697 (Caballero, Chapter 707, Statutes of 2019) became effective on January 1, 2020 and made numerous changes to the Physician Assistant Practice Act (Act) at Business and Professions Code (BPC) Sections 3500 to 3546. This rulemaking updates the Board's regulations by setting out the information required in an initial application, removes the Board's obligation to establish a passing score on the written examination administered by the National Commission on Certification of Physician Assistants, clarifies applicants' obligation to provide a mailing address that will be released by the Board to the public, posted on the website, and used by the Board for correspondence and service of documents on the applicant, and repeals 16 California Code of Regulations (CCR) §1399.546, which imposed requirements that are now better determined within a practice agreement between a PA and the supervising physician and surgeon.

At the November 8, 2021 meeting, the Board discussed and approved proposed amendments to the previously approved changes to 16 CCR §§1399.506, 1399.507, 1399.511, and 1399.546 to better implement the changes needed in these regulation sections required by the passage of SB 697. Notice of the proposed regulatory changes was published on September 9, 2022, and the 45-day comment period closed on October 25, 2022.

Public Comment Received

One emailed public comment was received from Lindsey Johnson, PA-C, MPH. Ms. Johnson wrote: "addresses of record should be related to place of work with the option to not provide home address."

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Board Response to the One Public Comment

The term “address of record” is found in Business and Professions Code (BPC) §27, which requires Department of Consumer Affairs entities listed there to post the address of record of licensees to their internet websites. BPC §27 reads: “...Each entity shall disclose a licensee’s address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of the licensee’s home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as the licensee’s address of record, to provide a physical business address or residence address only for the entity’s internal administrative use and not for disclosure as the licensee’s address of record or disclosure on the internet.”

Similar language is found in BPC section 2021 of the Medical Practice Act (BPC §§2000 to 2529.6), which discusses information licensees are required to provide if the board publishes a directory. BPC §2021 says: “... If an address reported to the board at the time of application for licensure or subsequently is a post office box, the applicant shall also provide the board with a street address. If another address is the licensee’s address of record, the licensee may request that the second address not be disclosed to the public.”

The Board allows applicants and licensees to provide a mailing address other than a home address, which can be a P.O. Box or a business address. The commentor misinterprets the proposed regulatory language, possibly due to lack of familiarity with the law. The regulation requires a valid mailing address for service of all official correspondence, notices, and orders from the Board. The Board does not require that a mailing address be a home address, and thus staff does not recommend the Board amend the proposed language as the commentor requests.

Modified Text

Senate Bill (SB) 607 (Min, Chapter 367, Statutes of 2021) amended BPC §115.5 to require all boards and bureaus within the Department of Consumer Affairs to expedite the licensure process and waive the application and initial license fee for spouses or domestic partners of active-duty members of the Armed Forces of the United States, assigned to a duty station in California who hold a current license in another state that matches the license they are applying for. This change to BPC §115.5 became effective July 1, 2022. The Department of Consumer Affairs, Legal Affairs Division (LAD) has drafted the attached Modified Text for the Board’s approval and asks the Board to modify the text of 16 CCR §1399.506 to include the modified language incorporating the changes made to BPC §115.5. These changes are needed to avoid disapproval of this rulemaking by the Office of Administrative Law.

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Action Requested

The Board is asked to make a motion to approve the proposed response to the public comment, adopt the proposed modified text amending 16 CCR §1399.506 for a 15-day public comment period, and if there are no adverse comments received during the 15-day comment period, direct the Executive Officer to take all steps necessary to complete the rulemaking, authorize the Executive Officer to make any technical or nonsubstantive changes to the proposed regulations, and adopt the proposed language with the modifications to 16 CCR §1399.506.

Attachments: 1. Email from Lindsey Johnson, dated September 14, 2021
 2. Proposed Modified Text amending 16 CCR §1399.506

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Attachment 1

From: [Lindsey Johnson](#)
To: [Dhillon, Jasmine@DCA](mailto:Dhillon.Jasmine@DCA)
Subject: Written comments Title 16
Date: Wednesday, September 14, 2022 2:49:55 PM

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: lindseyjohnson260@gmail.com

To whom it may concern,

Please find below my comments regarding the proposed changes:

1. Application, Exam Scores, Addresses & Recordkeeping
 - addresses of record should be related to place of work with the option to not provide home address.
2. Approved Required Actions Against Registered Sex Offenders
 - I agree that the board should take into consideration the situation surrounding the offense.
3. Approved Continuing Medical Education Programs
 - continuing education requirements of patient care is difficult to obtain for PAs who are not currently practicing, and wish to maintain licensure.

Thank you

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Lindsey Johnson, PA-C, MPH

Attachment 2

DEPARTMENT OF CONSUMER
AFFAIRS
Title 16. PHYSICIAN ASSISTANT BOARD

MODIFIED TEXT

Application, Exam Scores, Addresses & Recordkeeping

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Omitted text is indicated by “* * * *”

Modifications to the proposed regulatory language are shown in double underline for new text and ~~double strikethrough~~ for deleted text. Modifications are highlighted in yellow.

Amend Section 1399.506 of Article 1 of Division 13.8 of Title 16 of the California Code of Regulations

§1399.506. Filing of Applications for Licensure.

(a) Applications for (a) To become licensed~~ure~~ as a physician assistant shall be filed on a form provided by the board an applicant must submit all required fees, two (2) classifiable sets of fingerprint cards or a Live Scan inquiry to establish the identity of the applicant and to permit the Board to conduct a criminal history record check, and a completed application for licensure to the Board at its Sacramento office and accompanied by the fee required in section 1399.550 that contains all of the following:

(1) personal information including:

(A) the legal name of the applicant and any aliases.

(B) the gender of the applicant.

(C) the applicant’s social security number or identifying tax information number.

(D) the applicant’s address of record or mailing address.

(E) the applicant’s date of birth.

(F) the applicant’s telephone numbers for home and cell.

(G) the applicant’s email address.

(2) all disclosures required by this section, and

(3) a declaration under penalty of perjury, signed and dated by the applicant, that the information submitted on the application is true and correct.

For the purposes of this subdivision “required fees” includes the license application processing fee and the initial license fee as set forth in section 1399.550. **The required fees will be waived if the applicant meets the requirements for waiver of fees specified in subsection (b).** The applicant shall pay any costs for furnishing fingerprints and

conducting the criminal history record check.

(b) The Board shall waive the required fees specified in subsection (a) for an applicant who meets the requirements set forth in Section 115.5. of the Code and submits the following satisfactory evidence with the application set forth in this section:

(1) Certificate of marriage or certified declaration/registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces,

(2) A copy of the military orders establishing their spouse's or partner's duty station in California and,

(3) written verification from the applicant's issuing agency/licensing jurisdiction that the applicant's license in another state, district or territory of the United States is current in that jurisdiction.

The verification shall include all of the following:

(A) the full legal name of the applicant and any other name(s) the applicant has used or has been known by,

(B) the license type and number issued to the applicant by the original licensing agency/entity,

(C) the name and location of the licensing agency/entity, and,

(D) the issuance and expiration date of the license.

(bc) Applications for approval of programs for the education and training of physician assistants shall be filed on a form provided by the board at its Sacramento office and accompanied by the fee required in section 1399.556. While disclosure of military service is voluntary, an applicant who has served as an active-duty member of the Armed Forces of the United States, was honorably discharged, and who provides evidence of such honorable discharge shall have their application review expedited pursuant to section 115.4 of the Code.

(de) If the applicant is married to, or in a domestic partnership or other legal union with, an active-duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active-duty military orders, or if the applicant holds a current physician assistant license in another state, and provides evidence of either condition, their application review will be expedited pursuant to section 115.6 of the Code.

(ee) While disclosure of status as a refugee, asylee, or having a special immigrant visa is voluntary, an applicant who was admitted to the United States as a refugee pursuant to section 1157 of title 8 of the United States Code, or was granted asylum by the Secretary of Homeland Security or the United States Attorney General pursuant to section 1158 of Title 8 of the United States Code, or has a special immigrant visa and was granted a status pursuant to section 1244 of Public Law 110-18, Public Law 109-163, or section 602(b) of title VI of division F of Public Law 111-8, relating to Iraqi and Afghan translators/interpreters or those who worked for or on behalf of the United States government and provides evidence of that status shall have their application review expedited pursuant to section 135.4 of the Code and the Physician Assistant Board may assist such an applicant with the application process.

(fe) As a condition of licensure, an applicant shall disclose whether they have any other licenses, registrations, or certificates in any healthcare occupation and list the status,

number, and issuing state of those licenses, registrations, or certificates.

(gf) As a condition of licensure, an applicant shall disclose whether they have any malpractice history. For purposes of this subdivision “malpractice history” means:

- (1) Civil judgments as described in section 803.1(b)(1) of the Code.
- (2) Malpractice settlements as described in section 801.01(a)(1) of the Code.

(gh) As a condition of licensure, an applicant shall disclose whether they have any history of discipline. For purposes of this subdivision “history of discipline” means:

- (1) suspension, expulsion, probation, or reprimand imposed by a physician assistant training program,
- (2) suspension, revocation, probation, limitations on practice, citation, fine, public reprimand, letters of public reprimand or reproof, or any other informal or confidential discipline by any authority of any state issuing licenses, registrations, or certifications. An applicant may, as a part of their application provide a written statement explaining any information provided pursuant to subparagraphs (1) and (2).

NOTE: Authority cited: Sections 135.4 2018 and 3510, Business and Professions Code.
Reference: Sections 144, 115.4, 115.5, 135.4, 801.01, 803.1, 3509 and 3513, Business and Professions Code.

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