



# MEMORANDUM

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| <b>DATE</b>    | November 7, 2022   |
| <b>TO</b>      | Physician Assistant Board (Board)  |
| <b>FROM</b>    | Jasmine Dhillon, Legislative and Regulatory Specialist<br>Karen Halbo, Regulations Counsel, Attorney III |
| <b>SUBJECT</b> | <b>Agenda Item 15. Update on Pending Regulatory Packages</b>   |

## 1. 16 CCR 1399.514, 1399.615 – SB 697: License Renewal and Continuing Medical Education Required

| Proposed language for Board discussion           | Board Approved Language to Notice | PAB Staff work with DCA Legal on Pre-review of Documents  | Submitted to DCA for Initial Phase Review | DCA Submits to Agency for Initial Review | PAB files Notice with OAL   | 45-Day Comment Period Ended |
|--|-----------------------------------|---|---|--|-----------------------------|-----------------------------|
| 2/12/2020  | 01/13/2020                        | 07/15/2021  |   |  |                             |                             |
| Board Review Comments from 45-day Comment Period | Public Hearing Held (optional)    | PAB Staff work with DCA Legal on Final Rulemaking Package | Submitted to DCA for Review               | Submitted to Agency for Review           | Submitted to OAL for Review | Effective Date              |
|  |                                   |   |   |  |                             |                             |

This regulatory proposal will clarify, interpret, and make specific all requirements for license renewal. It consolidates all of the renewal requirements in one location and clarifies that the licensee status for those who do not renew by their expiration date is “expired with no practice permitted.” This proposal also incorporates the new CME requirement imposed by SB 697. At the May 28, 2020 Board meeting, the Board voted to rescind the Board’s prior proposed text, and approved changes to the language of 16 CCR section 1399.514. The Board needs to vote to adopt the proposed language of 16 CCR sections 1399.514 and 1399.615 for publication to start the 45-day public comment period.

The revised proposed regulatory language was approved and adopted by the Board at its November 8, 2021 meeting. Staff will be working on initial documents to submit for initial review next calendar year.

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**2. 16 CCR 1399.502, 1399.540, 1399.541, 1399.545 – SB 697: SB 697 Implementation**

| Proposed language for Board discussion           | Board Approved Language to Notice | PAB Staff work with DCA Legal on Pre-review of Documents  | Submitted to DCA for Initial Phase Review | DCA Submits to Agency for Initial Review | PAB files Notice with OAL   | 45-Day Comment Period Ended |
|--|-----------------------------------|---|---|--|-----------------------------|-----------------------------|
| 11/8/2021  | 11/8/2021                         | 10/28/2022  |   |  |                             |                             |
| Board Review Comments from 45-day Comment Period | Public Hearing Held (optional)    | PAB Staff work with DCA Legal on Final Rulemaking Package | Submitted to DCA for Review               | Submitted to Agency for Review           | Submitted to OAL for Review | Effective Date              |
|  |                                   |   |   |  |                             |                             |

This regulatory proposal will clarify and interpret changes made to the Physician Assistant Practice Act by Senate Bill (SB) 697 (Caballero, Chapter 707, Statutes of 2019). These amendments concern the practice agreement between a physician assistant and a physician and surgeon or a group of physician and surgeons. These amendments note a practice agreement shall include policies and procedures to ensure adequate supervision of the physician assistant, as well as appropriate communication, availability, consultations, and referrals between a physician and surgeon and the physician assistant in the provision of medical services.

The proposed regulatory language passed by the Board and approved by the Medical Board of California has been revised to address concerns raised by the California Academy of PAs (CAPA) and DCA's Legal Affairs Division. The revised proposed regulatory language was approved and adopted by the Board at its November 8, 2021 meeting. Staff is currently working on initial documents with regulations counsel and the Budget Office to submit for initial review.

**3. 16 CCR 1399.506, 1399.507, 1399.511, 1399.546 – SB 697: Application, Exam Scores, Addresses, & Recordkeeping**

| Proposed language for Board discussion           | Board Approved Language to Notice | PAB Staff work with DCA Legal on Pre-review of Documents  | Submitted to DCA for Initial Phase Review | DCA Submits to Agency for Initial Review | PAB files Notice with OAL   | 45-Day Comment Period Ended |
|--|-----------------------------------|---|---|--|-----------------------------|-----------------------------|
| 11/8/2021  | 11/8/2021                         | 05/20/2022  | 07/29/2022                                | 08/02/2022                               | 08/30/2022                  | 10/25/2022                  |
| Board Review Comments from 45-day Comment Period | Public Hearing Held (optional)    | PAB Staff work with DCA Legal on Final Rulemaking Package | Submitted to DCA for Review               | Submitted to Agency for Review           | Submitted to OAL for Review | Effective Date              |
| 11/07/2022                                       |                                   |   |   |  |                             |                             |

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This regulatory proposal will update existing regulations and bring them in line with changes made to the Physician Assistant Practice Act by SB 697 (Caballero, Chapter 707, Statutes of 2019), and requirements imposed by AB 2113 (Low, Chapter 186, Statutes of 2020). These amendments will specify the requirements for applications of licensure and remove the regulatory requirement that the Board establish a passing score for the licensure examination. These amendments clarify in regulation the AB 2113 mandated expedited application review for active-duty members and spouses of active-duty members of the Armed Forces of the United States, as well as refugees, asylees, and special immigrant visa holders.

The proposed regulatory language passed by the Board has been revised to address further concerns raised by the California Academy of PAs (CAPA) and DCA's Legal Affairs Division. The revised proposed regulatory language was approved and adopted by the Board at its November 8, 2021 meeting. Staff submitted initial submission documents for Budget and Legal review which was completed on July 29, 2022. The initial submission documents were approved by Agency on August 27, 2022. Notice of the proposed regulatory action was published on September 9, 2022, and the 45-day comment period closed on October 25, 2022.

**4. 16 CCR 1399.515 – AB 2461: Retired Status to Include Fingerprint Requirement**

| Proposed language for Board discussion           | Board Approved Language to Notice | PAB Staff work with DCA Legal on Pre-review of Documents  | Submitted to DCA for Initial Phase Review | DCA Submits to Agency for Initial Review | PAB files Notice with OAL   | 45-Day Comment Period Ended |
|--|-----------------------------------|---|---|--|-----------------------------|-----------------------------|
| 8/9/2021   | 8/9/2021                          |   |   |  |                             |                             |
| Board Review Comments from 45-day Comment Period | Public Hearing Held (optional)    | PAB Staff work with DCA Legal on Final Rulemaking Package | Submitted to DCA for Review               | Submitted to Agency for Review           | Submitted to OAL for Review | Effective Date              |
|  |                                   |   |   |  |                             |                             |

This regulatory proposal would require retired status licensees who seek to re-activate their license to provide fingerprints to the Department of Justice so that the Board may conduct criminal history background checks. This would eliminate the risk of the Board reactivating a license of a retired PA who got a state or federal arrest or disposition since retiring their license.

This regulatory proposal is on hold for 2022 until the above packages are completed.

**5. 16 CCR 1399.523 – SB 1441: Implement Uniform Standards Related to Substance Abusing Licensees and Update of Disciplinary Guidelines**

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| Proposed language for Board discussion           | Board Approved Language to Notice | PAB Staff work with DCA Legal on Pre-review of Documents  | Submitted to DCA for Initial Phase Review | DCA Submits to Agency for Initial Review | PAB files Notice with OAL   | 45-Day Comment Period Ended |
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| Board Review Comments from 45-day Comment Period | Public Hearing Held (optional)    | PAB Staff work with DCA Legal on Final Rulemaking Package | Submitted to DCA for Review               | Submitted to Agency for Review           | Submitted to OAL for Review | Effective Date              |
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This package reflects updates to the Board's Disciplinary Guidelines, which include incorporating relevant portions of the Uniform Standards Regarding Substance-Abusing Healing Arts licensees. It brings Board regulations in line with SB 1441 (Ridley-Thomas, Chapter 548, Statutes of 2008) which required the development of the Uniform Standards.

This regulatory proposal is on hold for 2022 until the above packages are completed.

#### 6. 16 CCR 1399.XX – AB 107: Military Applicant Temporary Licensure

| Proposed language for Board discussion           | Board Approved Language to Notice | PAB Staff work with DCA Legal on Pre-review of Documents  | Submitted to DCA for Initial Phase Review | DCA Submits to Agency for Initial Review | PAB files Notice with OAL   | 45-Day Comment Period Ended |
|--|-----------------------------------|---|---|--|-----------------------------|-----------------------------|
| 8/08/2022  | 08/08/2022                        |   |   |  |                             |                             |
| Board Review Comments from 45-day Comment Period | Public Hearing Held (optional)    | PAB Staff work with DCA Legal on Final Rulemaking Package | Submitted to DCA for Review               | Submitted to Agency for Review           | Submitted to OAL for Review | Effective Date              |
|  |                                   |   |   |  |                             |                             |

This regulatory proposal will clarify, interpret, and make specific all requirements for the issuance of temporary licensure to military spouses or domestic partners meeting specified criteria. AB 107 (Salas, Chapter 693, Statutes of 2021) establishes the requirements for the issuance of temporary licenses to out-of-state applicants in good standing who are married to, or in a domestic partnership or other legal union with, an active-duty member of the Armed Forces of the United States. The temporary licensure would last 12 months or until the applicant is granted or denied a standard license.

The proposed regulatory text was reviewed, discussed, and adopted by the Board at its August 8, 2022 meeting. Staff is currently working on initial documents with regulations counsel and the Budget Office to submit for initial review.

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