

1 **MEETING MINUTES**

2 **November 7, 2022**

3 **8:30 A.M. – 5:00 P.M.**

4 **PHYSICIAN ASSISTANT BOARD**

5 **Physician Assistant Board Meeting Was Held Via WebEx**

6
7
8 **1. Call to Order by President**

9
10 President Armenta called the meeting to order at 8:32 a.m.

11
12 **2. Roll Call**

13 Staff called the roll. A quorum was present.

14
15
16 Board Members Present: Charles Alexander, PhD
17 Juan Armenta, Esq.
18 Jennifer Carlquist, PA-C
19 Sonya Earley, PA-C
20 Jed Grant, PA-C
21 Randy Hawkins, M.D.
22 Diego Inzunza, PA-C
23 Vasco Deon Kidd, PA-C

24
25 Staff Present: Rozana Khan, Executive Officer
26 Michael Kanotz, Attorney III
27 Karen Halbo, Regulatory Counsel, Attorney III
28 Kristy Voong, Assistant Executive Officer
29 Jasmine Dhillon, Legislative/Regulatory Specialist
30 Julie Caldwell, Lead Licensing Analyst
31 Christina Haydon, Enforcement Analyst
32 Armando Melendez, Complaint Analyst
33 Virginia Gerard, Probation Monitor

34
35 **3. Consider Approval of August 8, 2022, Board Meeting Minutes**

36
37 M/ Jed Grant S/ Sonya Earley to:

38
39 Approve the August 8, 2022, Meeting Minutes.

40

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant	X				
Diego Inzunza	X				
Vasco Deon Kidd	X				

41
42 No public comment.

43
44 **4. Public Comment on items not on the Agenda**

(Note: The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda for a future meeting. [Government Code Sections 11125, 11125.7(a).])

No public comment.

5. Nomination and Election of Physician Assistant Board Officers

Michael Kanotz, legal counsel for the Board, specified that Business and Professions Code (BPC) section 3509.5 states that the board shall elect annually a president and a vice president from among its members. Mr. Kanotz then opened the floor for nominations for President of the Physician Assistant Board. Ms. Earley nominated Mr. Armenta. Dr. Kidd seconded the nomination. Upon closing the nominations, Dr. Hawkins asked to confirm whether Vice President Earley was interested in being President. Ms. Earley thanked Dr. Hawkins and confirmed she did not wish to be nominated presently.

M/ Sonya Earley S/ Vasco Deon Kidd to:

Motion to nominate Juan Armenta for Board President in 2023.

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant	X				
Diego Inzunza	X				
Vasco Deon Kidd	X				

Mr. Armenta thanked everyone for their confidence. Mr. Kanotz asked for nominations for Vice President. Mr. Armenta nominated Ms. Earley. The nomination was seconded by Dr. Alexander.

M/ Juan Armenta S/ Charles Alexander to:

Motion to nominate Sonya Earley for Board Vice President in 2023.

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant	X				
Diego Inzunza	X				
Vasco Deon Kidd	X				

Ms. Earley also thanked her fellow members for the election.

No public comment.

80 **6. President's Report**

81
82 Mr. Armenta stated that Executive Board members have continued their bi-weekly
83 meetings with Executive Officer Rozana Khan, who has done a great job navigating
84 the Board. He stated these meetings have kept the Board fully informed of its
85 business and happenings.

86
87 Mr. Armenta stated that the Department of Consumer Affairs (DCA) Order waiving
88 restrictions [on healthcare providers with an expired, inactive, or lapsed license
89 ordering and administering COVID-19 vaccines] shall end at the end of February
90 [2023]. He further stated that the Governor's Order calling for virtual meetings will lift
91 July [2023] and that it may be anticipated that the Board will meet in person after the
92 order has been lifted.

93
94 No public comment.

95
96 **7. Executive Officer's Report**

97
98 Ms. Khan reported the following information:

99
100 A. Office Operations

101
102 The Board is managing ongoing telework for staff while continuing to balance office
103 operations.

104
105 B. Personnel

106
107 On September 12, 2022, Administrative Analyst Ariel Gompers accepted a
108 promotional position with the California Department of Health Care Services.
109 Additionally, on October 14, 2022, Licensing Analyst Margarita Harrington resigned
110 to pursue other interests and navigate life outside of state service. The recruitment
111 process is underway to fill the vacant positions. Assistant Executive Officer Kristy
112 Voong is temporarily assisting with the workload to maintain coverage of these
113 essential positions.

114
115 C. Outreach

116
117 Board staff had the pleasure of attending the annual conference hosted by California
118 Academy of PA's (CAPA) during Physician Assistant Week in Carlsbad, CA.
119 CAPACon is a conference for general medicine and specialty PAs (physician
120 assistants) that encompasses clinical lectures and hands-on workshops for a total of
121 48 possible Category 1 CME credits. Our staff was available to answer any
122 questions from licensees and students and to hand out updated Laws and
123 Regulations booklets. We greatly appreciate the opportunity provided to us by CAPA
124 to attend this exceptional event.

125
126 D. Information Technology

127
128 Development of the instructional video to assist applicants with the licensure process
129 has resumed. Peter Fournier, the newest Information Officer for the Department of
130 Consumer Affairs (DCA) is assigned to the Board. Mr. Fournier is currently working
131 on a script production for the instructional video. On August 22, 2022, the Board

132 launched its redesigned website. The migration from the old website to the new
133 website was seamless. The redesigned website has improved functionality by
134 providing a more user-friendly interface and streamlining the information presented.
135 A special thank you to the DCA Information Technology team for their assistance in
136 revamping the Board's website. The Board continues to utilize its subscriber alert
137 system, social media accounts and website to maximize outreach, which serve as
138 the primary communication tools for licensees and members of the public.

139
140 Dr. Hawkins asked how the PA community received the PA Board at the CAPA
141 Conference. Mr. Khan responded the Board was well received and that the 150
142 books on laws and regulations which she brought on behalf of the Board were given
143 to attendees. Ms. Khan stated that nevertheless, the Board needed to do a better job
144 in outreach, as at the conference, she was surprised to learn that some attendees
145 had not actually heard of the Board. Mr. Armenta agreed it is of concern that
146 potential licensees had not heard of the government agency that issues their
147 licenses and oversees them, and that this should be kept in mind moving forward.

148
149 No public comment.

150 151 **8. Board Activity Reports**

152 153 A. Licensing

154 155 Licensing Population by Type Report as of October 25, 2022:

156
157 Ms. Caldwell reported that this report provides an overall view of the different types of
158 license status:

159
160 Total Licensing Population: 23,535
161 Current Licenses: 16,165
162 Current Inactive: 33
163 Current Temporary Family Support: 1
164 Total: 16,199

165 166 Summary of Licensing Activity Report for July 1, 2022, to September 30, 2022:

167
168 Initial Applications received: 563
169 Licenses issued: 407
170 Licenses renewed: 1,849

171 172 Pending Application Workload Report as of October 24, 2022:

173
174 Ms. Caldwell stated that this report provides information on the application workload
175 and a breakdown of the desk age and application age. The application age starts the
176 day the application is entered in the system. The desk age starts once the
177 application is assigned to a staff member. There can be a lag in that assignment as
178 online applications are printed a few times per week, so there is several days
179 difference from when an individual applied to when they get assigned to a staff
180 member. Ms. Caldwell noted that the red column [91 plus days] is not cause for
181 alarm as it means that the applications have been reviewed but there is a delay in
182 getting the requirements in the office. This could simply mean that the applicant
183 applied too early and has not graduated and taken the Physician Assistant National

184 Certifying Examination (PANACE); or is waiting on verifications of other state licenses,
185 certifications, or registrations; or delays of getting the results of the background
186 check.

187
188 Ms. Caldwell stated that as of September 21, 2022, the ability for applicants to apply
189 by paper ended; however, exceptions are made for those applicants who request to
190 apply by paper.

191
192 Licensing Performance Measures Report for July 1, 2022, to September 30, 2022:

193
194 Ms. Caldwell stated that this report provides information on how long it takes the
195 Board to review an application. The current processing time is 31 days and at the
196 end of the review, the applicant is notified by email or mail.

197
198 Ms. Caldwell stated that contacting the applicant by email is more efficient, but some
199 applicants do not include the email address on their application. Mr. Armenta asked
200 if there has been an insurmountable obstacle to collect email addresses from
201 applicants. Ms. Caldwell responded no.

202
203 Ms. Earley was pleased to hear that the Board will still process paper applications
204 and asked Ms. Caldwell about the paper application process for those who choose
205 it. Ms. Caldwell stated that applicants can request Board staff mail a paper copy to
206 them.

207
208 Mr. Grant stated that licensees can be concerned and confused about which
209 personal information they provide to the Board is going to be made public. He asked
210 if there was a way that applicants and licensees can know what specific information
211 they provide will be provided to the public. Ms. Caldwell responded that the
212 information about what is confidential and what will be public is on the application
213 forms. Mr. Grant further queried Ms. Caldwell about her report in that Ms. Harrington
214 was assigned applicant cases and she left the Board a few weeks ago. He wanted to
215 make sure these cases were not in some type of limbo as a result.

216
217 Ms. Caldwell stated that currently part of the Board process is to assign an
218 application in BreZE through certain stages. One stage is indicated when it is
219 assigned to a desk analyst. Although Ms. Harrington is gone, her name in the
220 system facilitates the staff understanding of where the application is. Ms. Caldwell
221 confirmed that the applications are still being worked. She also explained that using
222 Ms. Harrington's name as a placeholder is more efficient than having to use time to
223 reassign each application. Mr. Grant and Mr. Armenta thanked her for clarifying the
224 use of the name in the BreZE system.

225
226 B. Complaints

227
228 Mr. Melendez reported the following complaint activity for the period of July 1, 2022,
229 to September 30, 2022:

- 230
231
- 232 ● Complaints Volume
 - 233 ○ Complaints received: 113
 - 234 ○ Convictions/Arrests Received: 9
 - Total Received: 122

- 235 ○ Assigned to desk analyst (**may include cases received in previous
- 236 quarters): 123
- 237 ○ Pending at intake: 0
- 238 ● Complaints and Investigations
- 239 ○ Complaints referred for investigation: 12
- 240 ○ Complaints and investigations closed: 102
- 241 ○ Complaints pending at desk analyst: 249
- 242 ○ Investigations pending at field: 64
- 243 ○ Average age of pending investigation: 305 days
- 244 ○ Investigations over 8 months old: 33
- 245

246 Mr. Armenta asked how the first quarter of FY 2021-22 compared to this year's first
247 quarter. Mr. Melendez stated that although the chart focuses on total FY 2021-22, he
248 did notice a slight increase in cases.

249
250 Ms. Earley asked Mr. Melendez if he noticed any trends in the complaints. Mr.
251 Melendez stated he really did not notice a complaint trend by type, but he did notice
252 there was an increase in complaints overall. Ms. Earley thanked Mr. Melendez. Mr.
253 Grant expressed his appreciation for the multi-colored chart which was requested
254 previously and is now showing comparisons over time. Mr. Armenta agreed it was
255 meaningful and noted the category "Fraud" allegations was also included in
256 complaint type.

257 C. Discipline

258
259
260 Ms. Haydon reported the following discipline activity for the period of July 1, 2022, to
261 September 30, 2022:

- 262
- 263 ● Suspensions
- 264 ○ There were no suspensions
- 265 ● Office of the Attorney General Transmittal
- 266 ○ Cases initiated: 9
- 267 ○ Cases pending: 45
- 268 ○ Average age of pending cases: 318 days
- 269 ● Formal Actions Filed/Withdrawn/Dismissed
- 270 ○ Accusations filed: 8
- 271 ○ Petition to Revoke Probation filed: 1
- 272 ● Administrative Outcomes/Final Order
- 273 ○ Probation: 1
- 274 ○ Revocation: 1
- 275 ○ Surrender: 1
- 276 ○ Petition for Termination of Probation Granted: 1
- 277 ● Citation and Fine
- 278 ○ Citations issued: 0
- 279 ○ Resolved/Closed: 1
- 280 ○ Pending: 1
- 281 ○ Fines Received: \$5,500
- 282

283 Mr. Armenta thanked Ms. Haydon.

284 D. Probation

285
286

287 Ms. Gerard reported the following probation activity for the period of July 1, 2022, to
288 September 30, 2022:

289
290
291
292
293
294
295

- Entered Probation: 1
- Completed Probation: 1
- Total Probationers: 45
 - Active: 36
 - Tolling: 9

296 E. Diversion

297
298 Ms. Gerard reported the following activity for the Diversion Program for the period of
299 July 1, 2022, to September 30, 2022:

300
301

- Total Active Participants: 2

302
303
304
305
306
307
308
309

Ms. Gerard reported that she traveled to Fresno and Los Angeles this past quarter. Mr. Armenta asked Ms. Gerard how she has been received in her visits and if she were being afforded the professionalism he would hope a representative of the Board should receive. Ms. Gerard stated that she has been well received and has not had to wait long to be seen for a meeting when she has visited unannounced. She confirmed that she was afforded the respect a Board representative would be expected to receive.

310
311

No public comment.

312
313

9. Department of Consumer Affairs – Director’s Update

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315
316

Judie Bucciarelli, Staff Services Manager at DCA thanked the Board for its time and provided the following department updates.

317
318

A. New Staff

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320
321
322
323

The Governor recently appointed new leaders to the Board and Bureau Relations team. Ms. Bucciarelli stated effective October 3, 2022, Melissa Gear is the new Deputy Director of Board and Bureau Relations; and effective November 14, 2022, Yvonne Durantes will serve as the new Assistant Deputy Director.

324
325

B. Diversity, Equity, and Inclusion Steering Committee

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327
328
329
330

Ms. Bucciarelli reported that Director Kimberly Kirchmeyer established DCA’s first Diversity, Equity, and Inclusion Steering Committee to guide DCA with its equity, strategy, initiatives, and action plans. The committee will hold its first meeting on November 9, 2022.

331
332

C. Strategic Planning

333
334
335
336
337

Per the Governor’s directive, strategic plans in effect July 2023 and beyond must be developed or updated to more effectively advance equity and drive outcomes that increase opportunity for all. DCA is revising its strategic planning processes to incorporate more inclusive public engagement, data analysis, and embedding

338 diversity, equity, and inclusion into the strategic planning process. By March 2023,
339 DCA will begin implementing these revised processes.

340 D. Our Promise Campaign

341
342
343 This year marks 65 years of caring for California. This year's Our Promise Campaign
344 began October 1, 2022, and will end December 31, 2022, and with the Board's
345 assistance, DCA hopes to continue its tradition of generosity and caring for our
346 communities. The campaign allows Californians to donate to a nonprofit or
347 nonprofits of their choice. Ms. Bucciarelli encouraged everyone to donate.

348 E. COVID-19 Safety Measures

349
350
351 Ms. Bucciarelli stated the Board should continue to use safety measures, best
352 practices and recommendations for Boards choosing in-person meetings, and that
353 members and staff are expected to follow all state and local health guidelines. Ms.
354 Bucciarelli stated that the legislation has passed allowing remote meetings until June
355 30, 2023.

356 F. Travel

357
358
359 Ms. Bucciarelli reminded the Board that all members and staff must choose the most
360 economical fares when possible when travelling by air on official state business.
361 Slight changes to the date and time for personal convenience are not approved and
362 the traveler will be responsible for any associated charges. Additionally, Assembly
363 Bill (AB) 1887 prohibits state agencies, departments, boards, authorities and
364 commissions from traveling to states that are subject to California's travel ban. There
365 are 23 prohibited states, and the list can be viewed on the Attorney General's
366 website.

367 G. Unclaimed Property Program

368
369
370 DCA will partner with the State Controller's Office to share information with
371 consumers and licensees about the unclaimed property program, as certain
372 licensees may benefit from the partnership as it will educate them about their
373 responsibility to report unclaimed property and assist with compliance. Additionally,
374 the program is a great resource to all consumers to locate their unclaimed property.

375
376 Ms. Bucciarelli offered assistance if needed by the Board and asked if anyone had
377 any questions for her. Dr. Alexander noted that 23 states were on the travel ban list
378 and asked if this were an increase from about one year ago. Ms. Bucciarelli
379 confirmed there was an increase.

380
381 Mr. Armenta thanked Ms. Bucciarelli for the updates.

382
383 No public comment.

384 **10. Budget Update**

385
386
387 Suzanne Balkis, DCA Budget Analyst, reported the Board's budget for fiscal year
388 2021-22 is slightly over \$3 million and has used 36.28% of its expenditures on
389 Personal Services (PS), which includes salaries and benefits; 36.13% for Operating

390 Expenses & Equipment (OE&E), which includes contracts, purchases and travel;
391 and 23.27% on Enforcement, which includes the Office of Administrative Hearings
392 as well as the Office of the Attorney General. The Board had 4.32% in Reversion.
393

394 Fund Condition Report

395
396 The fund condition statement is based on fiscal year (FY) 2020-21 actuals with a
397 beginning balance of \$4.9 million, with prior year (PY) adjustment of negative
398 \$70,000, giving the Board an adjusted beginning balance of \$4.8 million. The Board
399 has an overall revenue of \$2.4 million and a total expenditure of \$2.4 million as well.
400 This totals to a fund balance of \$4.8 million, which is about 19.7 months in reserve.
401

402 For the Board's FY 2021-22 actuals, the Board has a beginning balance of \$4.8
403 million with a PY adjustment of \$197,000, giving the Board an adjusted beginning
404 balance of about \$5 million. The Board has an overall revenue of \$2.5 million, a
405 transfer to the General Fund of negative \$88,000 and a total expenditure of \$2.9
406 million, giving the Board a fund balance of \$4.5 million or up to 16.8 months in
407 reserve.
408

409 For the Board's current year (CY) 2022-23, the Board has a beginning balance of
410 \$4.5 million, projected total revenue of about \$2.6 million and \$3.2 million in
411 expenditures. With those expenditures and revenue, the Board currently has a fund
412 balance of \$3.9 million or about 14 months in reserve. Budget year (BY) is based on
413 Governor's Budget Act and BY +1 is based on realized.
414

415 Expenditure Report

416
417 Ms. Balkis reported the FY 2021-22 expenditure is \$1.1 million in PS and about \$1.8
418 million in OE&E expenses, for a total of \$2.9 million, which created a saving of about
419 \$130,000 or 4.32%. There is no current concern for the fund and staff is working on
420 FY 2022-23 projections with the Board.
421

422 Ms. Earley thanked Ms. Balkis for a detailed report and asked what the Board's
423 savings were during the COVID-19 pandemic. Ms. Balkis responded she currently
424 does not have the figure but can get this for the Board. Ms. Earley stated that a
425 general estimate of that figure would be welcomed presently. Budget Manager
426 Renee Milano, who oversees the Board's budget matters explained that historically
427 the Board does revert money even prior to the pandemic. She would surmise that
428 approximately \$100,000 or more per year during the pandemic was being reverted
429 by the Board, so about \$300,000 in potential savings over the three years.
430

431 Mr. Grant asked for confirmation that in order for the fund to be considered healthy,
432 it should have between 6 and 18 months in reserve. Ms. Balkis confirmed this.
433

434 No public comment.
435

436 **11. Update on Medical Consultant Reviewer Program**

437
438 Mr. Melendez reported that the requested change for the requirements to be a
439 Medical Consultant (MC) for the Board have been made. He stated it is now required
440 for a candidate to have at least five years of practice, instead of the previous three

441 years. Mr. Melendez produced the updated draft MC application form and indicated
442 the form has been changed to reflect this.

443
444 Mr. Grant asked Mr. Melendez whether applicants were able to check multiple boxes
445 indicating they had multiple areas of practice experience and/or specialties. Mr.
446 Melendez confirmed yes; that they could check multiple boxes in multiple sections.
447 Mr. Grant thanked Mr. Melendez for his work on this.

448
449 Dr. Kidd asked for clarification on the form in that if staff are looking for an MC, say
450 for example, in orthopedic surgery, would the form ask if the person was in
451 orthopedic surgery practice for five years, or ask if they were in practice for five
452 years. Mr. Melendez stated that the form asks whether the PA is practicing as a PA
453 with a valid license for five years.

454
455 Dr. Kidd expressed his concern over this explaining that an applicant could check
456 two boxes indicating two fields of practice experience, but staff would not be able to
457 ascertain from the form in which field the applicant has current practice experience
458 (current experience being the best). Mr. Melendez explained that he reviews the
459 applicant's curriculum vitae when it is time for choosing the MC for each complaint
460 and this is when he would determine which MC is qualified, on a case-by-case basis.
461 Dr. Kidd thanked Mr. Melendez for this added clarification.

462
463 No public comment.

464 465 **12. Report on Medical Board of California Activities**

466
467 Dr. Hawkins, Vice President of the Medical Board of California (MBC), reported the
468 MBC met virtually on August 24 and 25, 2022, and noted of particular significance
469 were two strategic planning sessions, preparation for sunset review, and the pending
470 quarterly newsletter release. The MBC is scheduled to meet again, in person, in Los
471 Angeles on December 1 and 2, 2022. Dr. Hawkins advised the Board that the MBC
472 newsletter will be available on their website by the end of November, and that the
473 agenda for the upcoming meeting can be found as well once it is finalized. Dr.
474 Hawkins thanked the Board for providing him with the opportunity to participate in
475 the Board and its activities.

476
477 No public comment.

478 479 **13. Discussion and Possible Action Setting Schedule for 2023 Board Meeting** 480 **Dates and Locations**

481
482 Mr. Armenta stated that the proposed meeting dates are Monday, February 6, 2023
483 (91 days from the November 7, 2022 meeting), the meeting to be virtual; Monday,
484 May 1, 2023 (84 days from February 6, 2023 meeting) to be in person and in
485 Sacramento, as that would include the strategic planning session; Friday, August 4,
486 2023 (95 days from the May 1, 2023 meeting) to be in Southern California; and
487 Monday, November 6, 2023 (94 days from the August 4, 2023 meeting) to be in
488 Sacramento.

489
490 Mr. Armenta opened the floor for comments and suggestions. Ms. Earley asked
491 what the maximum days allowed between meetings are. Ms. Khan responded that it

492 is 100 days. Ms. Earley stated she understands that the Board tries to keep it well
493 under that, but she may have a conflict and needs to check her schedule.

494
495 Mr. Grant expressed that the Board typically meets on Monday and was curious why
496 in August the meeting is scheduled for a Friday. Ms. Khan confirmed that was to
497 facilitate travel for staff, as that meeting is scheduled to be in Southern California.
498 Mr. Grant thanked her for the clarification.

499
500 Mr. Armenta asked for Ms. Earley’s findings on the possible schedule conflict. A
501 discussion was held regarding whether the proposed date was May 8 [verbally
502 introduced] or May 1 [per the written report for Agenda Item 13] and the proximity to
503 the Mother’s Day holiday that year. Ms. Earley indicated a conflict presents for her
504 on May 1, 2023, but not May 8, and asked if May 8 could be a possibility.

505
506 Ms. Khan stated May 8, 2023, was initially proposed, but the Federation of State
507 Medical Boards is hosting their annual conference which poses a conflict as staff will
508 be attending this as well. Ms. Earley stated that May 1, 2023, was fine. Mr. Armenta
509 confirmed the meeting dates for 2023 as February 6, virtual; May 1 in person, in
510 Sacramento; August 4 in person, in Southern California, and November 6 in person,
511 in Sacramento. Mr. Armenta invited a motion from the floor.

512
513 M/ Jed Grant S/ Vasco Deon Kidd to:

514
515 Motion to adopt the proposed meeting dates for 2023.

516

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant	X				
Diego Inzunza	X				
Vasco Deon Kidd	X				

517
518 No public comment.

519
520 **14. Update, Discussion, and Possible Action on Proposal to Amend 16**
521 **California Code of Regulations (CCR) Sections 1399.506, 1399.507, 1399.511,**
522 **and 1399.546 – Application, Exam Scores, Addresses & Recordkeeping**
523 **Consideration of Public Comments and Potential Modifications to Text**

524
525 Ms. Halbo stated this regulatory package went through the 45-day comment period,
526 and that a new law passed which now requires boards to waive application and
527 license fees for spouses or domestic partners of active-duty members of the Armed
528 Forces of the United States if the applicants submit specific documentation. Thus,
529 the Legal Affairs Division of the Department of Consumer Affairs modified the text of
530 16 CCR §1399.506 by adding a subdivision (b) to reflect the changes in the law. Ms.
531 Halbo stated by putting this requirement in regulation, it allows those who are
532 affected by this law know what to do. Ms. Halbo stated that the purpose of the
533 proposed modified text is to have clear direction so those individuals affected can

534 provide the correct documentation to have the opportunity to have their fees waived
535 and application expedited.

536
537 In response to Mr. Armenta’s question of does the law only apply to those who have
538 a domestic partnership in California, or does it include individuals from any other
539 state, Ms. Halbo stated that this law applies to individuals of any other state.

540
541 In response to Mr. Armenta’s question of how the public comment affects the
542 regulatory process and whether staff must start the regulatory process from the
543 beginning, Ms. Halbo stated no this would not delay the process because this
544 modification to the text reflects the law change and is consistent with the new law.
545 Ms. Halbo stated that once the Board adopts the proposed text, staff can prepare
546 the final documents and submit the package to the Office of Administrative Law.

547
548 Ms. Halbo stated the Board did receive a public comment and the memorandum
549 includes a drafted Board response. The public comment stated that a home address
550 should not be required for an address of record. Ms. Halbo stated that the proposed
551 Board response is that the Board allows applicants and licensees the option to
552 provide a mailing address other than a home address, including a post office box or
553 a business address for purposes of an address of record.

554
555 In response to Ms. Halbo’s question of whether the one public comment received
556 was during the 15-day comment, Ms. Dhillon stated the comment received was
557 during the 45-day comment period which closed on October 25, 2022, and that staff
558 are asking the Board to adopt the proposed response to the comment and the
559 response will be published for a 15-day comment period following the Board’s
560 motion to adopt.

561
562 M/ Juan Armenta S/ Sonya Earley to:
563

564 Approve the proposed response to the public comment, adopt the proposed
565 modified text amending 16 CCR §1399.506 for a 15-day public comment
566 period, and if there are no adverse comments received during the 15-day
567 comment period, direct the Executive Officer to take all steps necessary to
568 complete the rulemaking, authorize the Executive Officer to make any technical
569 or nonsubstantive changes to the proposed regulations, and adopt the
570 proposed language with the modifications to 16 CCR §1399.506.
571

572

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant	X				
Diego Inzunza	X				
Vasco Deon Kidd	X				

573
574 No public comment.

575
576 **15. Regulations – Update on Pending Regulatory Packages**

577 Ms. Dhillon provided the updates for the regulatory packages.

578
579 1. 16 CCR 1399.514, 1399.615 – SB 697: License Renewal and Continuing Medical
580 Education Required

581
582 The revised proposed regulatory language was approved and adopted by the
583 Board at its November 8, 2021, meeting. Staff will be working on initial documents
584 to submit for initial review next calendar year.

585
586 2. 16 CCR 1399.502, 1399.540, 1399.541, 1399.545 – SB 697: SB 697
587 Implementation

588
589 Staff is currently working on initial documents with regulations counsel and the Budget
590 Office to submit for initial review.

591
592 3. 16 CCR 1399.506, 1399.507, 1399.511, 1399.546 – SB 697: Application, Exam
593 Scores, Addresses, & Recordkeeping

594
595 Staff submitted initial submission documents for Budget and Legal review which was
596 completed on July 29, 2022. The initial submission documents were approved by
597 Agency on August 27, 2022. Notice of the proposed regulatory action was published
598 on September 9, 2022, and the 45-day comment period closed on October 25, 2022.

599
600 4. 16 CCR 1399.515 – AB 2461: Retired Status to Include Fingerprint Requirement

601
602 This regulatory proposal is on hold for 2022 until the above packages are completed.

603
604 5. 16 CCR 1399.523 – SB 1441: Implement Uniform Standards Related to
605 Substance Abusing Licensees and Update of Disciplinary Guidelines

606
607 This regulatory proposal is also on hold for 2022 until the above packages are
608 completed.

609
610 6. 16 CCR 1399.XX – AB 107: Military Applicant Temporary Licensure

611
612 The proposed regulatory text was reviewed, discussed, and adopted by the Board at
613 its August 8, 2022, meeting. Staff is currently working on initial documents with
614 regulations counsel and the Budget Office to submit for initial review.

615
616 No public comment.

617
618 **16. Education/Workforce Development Advisory Committee: Update on**
619 **Physician Assistant Education Programs and Applicants in California**

620
621 Mr. Grant reported that the Accreditation Review Committee met in September and
622 approved several more programs which now bring the total to 300 approved PA
623 programs across the country with 20 in California (not including an additional three
624 programs currently pending approval). Mr. Grant stated he confirmed with each
625 provider (with the exception of Touro University), the number of students in each
626 cohort. He reported the annual capacity for California to produce PAs is currently
627 933 with the average for a program being about 41 (the National average being 45).

628 Mr. Grant projects that should the three programs be approved, the capacity would
629 be about 1000 potential PAs annually from California.

630
631 Mr. Grant produced a chart showing all the California PA programs. Listed were the
632 names and student amount for each. He further produced a map of California
633 showing the program locations. He reported that although there are no program
634 providers in Central California, there are however many clinical rotation sites there.
635 Mr. Grant stated that some private programs offer benefits at admissions to
636 candidates who are willing to work in resource shortage areas in California, and this
637 helps to meet the workforce needs.

638
639 Dr. Kidd asked whether A.T. Still University had started their program. Mr. Grant
640 responded, yes, that school is taking 100 students. Mr. Grant stated the students are
641 being taken from all over the nation, and their clinical rotations are throughout the
642 nation as well.

643
644 Ms. Earley offered an update to the chart by stating that Southern California
645 University of Health Sciences is no longer on probation, and they are receiving
646 continuing accreditation. Mr. Grant thanked Ms. Earley and stated the chart
647 information was pulled on October 26, 2022, and he will be happy to update the
648 chart accordingly.

649
650 Mr. Armenta asked about growth and the capacity of each program to take more
651 students. Mr. Grant advised the Board that the most difficult problem to growth is the
652 number of clinical rotation sites. Mr. Grant stated schools typically rely on community
653 or hospital-based healthcare providers to volunteer to take on students, but due to
654 the burden of COVID-19 and extra workloads, these are being reduced. Some
655 schools are now having to pay for rotation sites at the more difficult to get rotations,
656 like pediatrics and women's health. This raises the costs for students and places
657 limits on the seats programs can offer, and limits growth. Mr. Grant stated that the
658 program providers would take more applicants if they could, but there is a lack of
659 rotation sites.

660
661 Mr. Grant stated that in other parts of the country, PA schools have partnered with
662 medical schools and share rotation sites. He stated another solution found in other
663 states is the state offering tax breaks to preceptors. Mr. Grant stated California is
664 less likely to see much more growth due to having rapid growth over the past eight
665 years and it is becoming increasingly competitive for a clinical rotation site.

666
667 No public comment.

668
669 **Returned from Recess - Roll Call**

670
671 Staff called the roll at 10:30 a.m. A quorum was present.

672
673 Board Members Present: Charles Alexander, PhD
674 Juan Armenta, Esq.
675 Jennifer Carlquist, PA-C
676 Sonya Earley, PA-C
677 Jed Grant, PA-C
678 Randy Hawkins, M.D.

17. Report by the Legislative Committee; Discussion and Possible Action to Consider Positions Regarding the following Legislation:

Ms. Dhillon reported the following:

A. AB 646 (Low) Department of Consumer Affairs: Boards: Expunged Convictions

This bill failed passage and is considered dead.

This bill would have required programs under the DCA that post information on its website about a revoked license due to a criminal conviction to post notification of an expungement within 90 days of the board receiving an expungement order related to the conviction for those who reapply for licensure or are relicensed.

B. SB 731 (Durazo) Criminal Records: Relief

The bill was approved by the Governor on September 29, 2022, and chaptered by the Secretary of State.

This bill expands automatic conviction record relief, for a defendant convicted, on or after January 1, 2005, to nonserious, nonsexual, and nonviolent felonies after an individual completes all terms of incarceration, probation, mandatory supervision, post release community supervision and parole, and a period of four years has elapsed during which the defendant was not convicted of a new felony offense. This bill, commencing July 1, 2023, makes this arrest record relief available to a person who has been arrested for a felony, including a felony punishable in the state prison, as specified.

C. AB 1733 (Quirk) State Bodies: Open Meetings

This bill failed passage and is considered dead.

This bill would have specified that a “meeting” held under the Bagley-Keene Open Meeting Act includes a meeting held entirely by teleconference, as defined, so long as the state body adheres to certain specified requirements such as: ensuring the public has the means to hear, observe, and address the state body during the meeting; providing the public with at least one physical location where they can participate; specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting; posting the meeting agendas online and at the physical meeting location with information indicating how the meeting can be accessed; allow Board members to remotely participate in an open meeting without disclosing the remote location from which a member is participating; and ensuring that if a means of remote participation fails, the meeting must adjourn.

D. AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal Conviction

This bill failed passage and is considered dead.

731 This bill would have required a board to establish a process by which prospective
732 applicants may request a preapplication determination as to whether their criminal
733 history could be cause for denial of a completed application for licensure by the
734 board.

735
736 E. AB 657 (Cooper) Healing arts: expedited licensure process: applicants providing
737 abortion services

738
739 This bill was approved by the Governor on September 27, 2022, and chaptered
740 by the Secretary of State.

741
742 This bill is effective January 1, 2023, and requires the Medical Board of California,
743 the Osteopathic Medical Board of California, the Board of Registered Nursing, and
744 the Physician Assistant Board to expedite the licensure process of an applicant who
745 can demonstrate that they intend to provide abortion services within their scope of
746 practice and would specify the documentation an applicant would be required to
747 provide to demonstrate their intent.

748
749 F. AB 2626 (Calderon) Medical Board of California: licensee discipline: abortion.

750
751 This bill was approved by the Governor on September 27, 2022, and chaptered
752 by the Secretary of State.

753
754 This bill prohibits the Physician Assistant Board from suspending or revoking
755 the certification or license of a physician assistant for performing an abortion so long
756 as they performed the abortion in accordance with the provisions of the Physician
757 Assistant Practice Act and the Reproductive Privacy Act.

758
759 Mr. Armenta asked if the Board would incur a fiscal impact from SB 731. Ms. Dhillon
760 responded that it will not and that her understanding from DCA, is that it is going to
761 impact the Department of Justice and the means by which they provide information.

762
763 No public comment.

764
765 **18. Agenda Items for the Next Meeting**

766
767 Mr. Armenta called for items to be placed on the agenda for the next meeting.

768
769 Ms. Earley stated that as Mr. Grant provided a number showing PA program
770 graduates, she requests Board staff to ascertain if the Board is processing license
771 applications commensurate with the number. This would help determine appropriate
772 workload to workforce levels. Mr. Armenta thanked Ms. Earley.

773
774 No public comment.

775
776 **19. CLOSED SESSION**

777
778 A. Pursuant to Section 11126(a)(1) of the Government Code, the Board will conduct
779 the annual evaluation of performance of the Executive Officer.

780
781 B. Pursuant to Section 11126(c)(3) of the Government Code, the Board will
782 deliberate and take action on disciplinary matters.

783 **20. Adjournment**
784
785 Adjournment will immediately follow the closed session and there will be no other
786 items of business discussed.
787
788 Minutes do not reflect the order in which agenda items were presented at the Board
789 meeting.

DRAFT