



MEMORANDUM

DATE	August 4, 2023
TO	Physician Assistant Board (Board)
FROM	Jasmine Dhillon, Legislative and Regulatory Specialist Karen Halbo, Regulations Counsel, Attorney III
SUBJECT	Agenda Item 14. Update on Pending Regulatory Packages

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
01/13/2020	11/08/2021	7/11/2023				
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 revised proposed regulatory language was approved and adopted by the Board at its November 8, 2021 meeting. Staff is currently finalizing initial documents with regulations counsel and the Budget Office to submit for initial review in August 2023.

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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
11/08/2021	11/08/2021	01/19/2023	05/19/2023	06/05/2023	07/28/2023	
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. Agency approved this package on July 13, 2023 and the Notice was filed with the Office of Administrative Law (OAL) for publication on July 28, 2023 to initiate the 45-day public comment period, which will end on September 12, 2023.

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
11/08/2021	11/08/2021	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	N/A	12/05/2022	12/09/2022	12/12/2022	12/20/2022	

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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. Agency approved this package on December 12, 2022 and it was filed with the Office of Administrative Law (OAL) on December 20, 2022. Regulations Counsel and staff have been working with OAL to amend the text for consistency with the initial license application. The Board needs to adopt the revised proposed regulatory language which was published for the 15-day public comment period to run from July 21, 2023 to August 7, 2023, and on which, at the time of writing this memo, no public comments have been received.

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
08/09/2021	08/09/2021					
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

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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 2023 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

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
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 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 2023 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
08/08/2022	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

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partnership or other legal union with, an active-duty member of the Armed Forces of the United States.

On January 5, 2023, the President of the United States signed H.R. 7939, The Veterans Auto and Education Improvement Act of 2022 (Pub.L. No. 117-333 (Jan. 5, 2023) 136 Stat. 6121.) Section 19 of H.R. 7939 added Section 705A to the Servicemembers Civil Relief Act (50 U.S.C. § 3901, et seq, hereafter, “Section 705A”), which grants license portability to members of the United States military and their spouses. Section 705A permits a servicemember or a spouse of the servicemember to practice in a state where they reside because of military orders that is not the state in which they are licensed to practice. To qualify for the federal practice privilege, the servicemember or spouse must have a “covered license” under Section 705A, which means a license with a similar scope of practice that is in good standing with the state licensing entity that issued the license, and that the licensee has actively used the license during the two years prior to their relocation.

While the Board has updated its website with information and created an application for this temporary licensure, completion of the application is not required. To take advantage of license portability, the servicemember or spouse must provide a copy of the military orders that require residency in California to the appropriate Department of Consumer Affairs board and submit to the authority of the board for purposes of standards of practice, discipline, and fulfillment of continuing education requirements. In addition, the license must remain in good standing with the state licensing entity that issued the license and any other licensing authority that issued a license with a similar scope of practice.

Staff has decided not to move forward with this package because the statutes affected by AB 107 cover in detail the temporary licensure requirements as they apply to our Board and thus are self-executing. The Board is required to grant temporary licensure to the spouse or domestic partner of an active-duty military member stationed in California if the applicant is currently licensed and holds an active and unrestricted license in another state with the same scope of practice as the profession in California for which they would like to practice. This applicant population also receives expedited processing and initial application and license fee waivers.

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