

MEMORANDUM

DATE	November 6, 2023
TO	Physician Assistant Board (Board)
FROM	Karen Halbo, Regulations Counsel, Attorney III Jasmine Dhillon, Legislative and Regulatory Specialist
SUBJECT	14.A. Update, Discussion, and Possible Action to Consider Changes to Previously Proposed Text and Reauthorization of a Regular Rulemaking to Amend 16 CCR Sections 1399.514 and 1399.615 – License Renewal and Continuing Medical Education Required

Background

At its November 4, 2019, meeting the Board discussed the benefit of consolidating all the renewal requirements in 16 CCR section 1399.514, making amendments to set out the CME requirements for license renewal and amending 16 CCR 1399.615 on CME requirements, and the need to clarify a licensee’s license status if a license is not timely renewed. At its January 13, 2020, meeting the Board discussed the new statutory requirement of a one-time substance education course for PAs who are authorized to dispense controlled substances, the need to add language addressing that into this rulemaking, and voted to adopt amended language for this rulemaking. At its May 28, 2020, teleconference the Board discussed how the proposed amendments to 16 CCR section 1399.514 could specify the four different ways a licensee can be CME compliant when renewing, and voted to adopt amended language for this rulemaking.

Summary of Changes

The proposed changes to the language in the License Renewal and Continuing Medical Education Required rulemaking text at 16 CCR section 1399.514 are shown in the attached document. Changes made to the proposed language since the May 28, 2020 Board meeting are highlighted in yellow, and those changes:

- add language to include information asked for in the renewal application that was inadvertently left out,
- clarify the meaning of “Category 1 CME” by referring to where it is defined in 16 CCR section 1399.616, and
- clarify the “one-time controlled substance education course” that must be taken by PAs who dispense controlled substances by pointing to the Board’s pre-approves of such courses in 16 CCR section 1399.610.

MISSION: To protect and serve consumers through licensing, education, and objective enforcement of the Physician Assistant laws and regulations.

Action Requested

Staff recommends the Board review and discuss the provided materials (highlighting shows where language has changed since the last Board vote). The Board may wish to determine whether or not to approve the revised regulatory language and initiate the rulemaking process using the revised regulatory language.

Suggested Motion Language

Move to approve the proposed regulatory text for 16 CCR sections 1399.514 and 1399.615, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at 16 CCR sections 1399.514 and 1399.615 as noticed.

Attachment: 1. Proposed regulatory text for 16 CCR sections 1399.514 and 1399.615, License Renewal and Continuing Medical Education Required rulemaking.

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Attachment 1

PHYSICIAN ASSISTANT BOARD

PROPOSED LANGUAGE

Legend: Added text is indicated with an underline.
Deleted text is indicated by ~~strikeout~~.

Amend section 1399.514 of Article 1 and section 1399.615 of Article 8 of Division 13.8 of Title 16 of the California Code of Regulations to read as follows:

1399.514. Renewal of License.

(a) As a condition of renewal, ~~on or before the expiration date of their license,~~ a licensee must submit all required fees and a completed application for renewal to the Board that contains all of the following:

(1) the licensee's name, ~~email, if any,~~ telephone number, license number, and address of record;

(A) For the purposes of this section, the address of record is a public record and disclosed on the Board's website. Individuals using a P.O. Box as their address of record are required to provide a street address to the Board that will be kept confidential and not disclosed to the public or posted to the Board's website.

(2) all of the disclosures required by this Section;

(3) whether the licensee has served or is currently serving in the military; and

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

For the purposes of this subsection "required fees" includes the license renewal fee as set forth in Section 1399.550, and the mandatory fee for the Controlled Substance Utilization Review and Evaluation System (CURES) as set forth in Section 208 of the Code.

~~(a)~~ b) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, ~~he or she has~~ the licensee has been convicted of any violation of the law in this or any other state, the United States or other territory of the United States, or other country, omitting traffic infractions under \$500 not involving alcohol, dangerous drugs, or controlled substances.

~~(b)~~ c) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, ~~he or she has~~ the licensee has been denied a license or had a license disciplined by another licensing authority of this state, of another state, of any agency of the federal government, or of another country.

(d) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, the licensee has met the Board's continuing medical education (CME) requirement as provided in Sections 1399.615 and 1399.616 by one of the following:

- (1) completion of fifty (50) hours of pre-approved Category 1 CME as defined in Section 1399.616;
- (2) current certification from the National Commission on Certification of Physician Assistants;
- (3) exemption from the Board's continuing medical education requirements by obtaining a waiver pursuant to Section 1399.618; or,
- (4) that the licensee seeks renewal in an inactive status pursuant to Section 1399.619.

(e) As a condition of renewal, a licensee who holds an active license, is authorized through a practice agreement to furnish Schedule II controlled substances and is registered with the United States Drug Enforcement Administration shall disclose whether the licensee has completed a one-time controlled substance education course approved by the Board pursuant to Section 1399.610.

(ef) Failure to comply with the requirements of this section renders any application for renewal incomplete and the license will not be renewed until the licensee demonstrates compliance with all requirements.

(g) In the event that an individual fails to renew their license as provided in this Section and Section 3523 of the Code, the license shall expire and the individual shall be considered unlicensed until the license is renewed as provided in Section 3524 of the Code.

NOTE: Authority cited: Section 3510, and 3523, Business and Professions Code.
Reference: Sections 141, 208, 490, 3502.1, 3504.1, 3524, 3527 and 3531, Business and Professions Code.

1399.615. Continuing Medical Education Required.

(a) A physician assistant who renews ~~his or her~~ their license on or after January 1, 2011, is required to complete fifty (50) hours of approved continuing medical education during each two (2) year renewal period.

(b) The requirements of subdivision (a) shall be deemed satisfied if the physician assistant, at the time of renewal, is certified by the National Commission on Certification of Physician Assistants.

(c) ~~Each~~ On or after [OAL to insert effective date of regulations plus one month] a physician assistant ~~in order to renew who renews his or her their license at each renewal thereof shall report compliance with the provisions is required to complete a one-time controlled substance education course as provided in Sections 1399.610 and 1399.612 as part of this article by declaring upon application that he or she has complied with the physician assistant's required hours of continuing medical education requirements or that the provisions of in~~ subdivision (a) if all of the following apply:

- (1) the physician assistant holds an active license,
- (2) the physician assistant is authorized through a practice agreement to furnish Schedule II controlled substances,
- (3) the physician assistant is registered with the United States Drug Enforcement Administration; and,
- (4) the physician assistant has not previously successfully completed a one-time controlled substance education course in compliance with Sections 1399.610 and 1399.612, as those provisions read on June 7, 2019.

(d) Any physician assistant who does not complete the required hours of approved continuing medical education during the two-year period immediately preceding the expiration date of the license shall be ineligible for renewal of ~~his or her~~ their license under ~~section~~ Section 1399.617, unless such physician assistant applies for and obtains a waiver pursuant to Section 1399.618 ~~below~~.

(e) A physician assistant shall retain, for a period of four years after the acquisition of the necessary continuing medical education, records issued by an approved continuing medical education provider that indicate the title of the course or program attended, the dates of attendance and the hours assigned to the course or program, or if a physician assistant is certified by the National Commission on Certification of Physician Assistants at the time of license renewal, evidence of certification shall be retained for four (4) years after such certification is issued.

NOTE: Authority cited: Section 3510, and 3502.1, Business and Professions Code.
Reference: Section 3524.5, Business and Professions Code.