

# PHYSICIAN ASSISTANT BOARD

## INITIAL STATEMENT OF REASONS

Application, Exam Scores, Addresses, and Records

**Hearing Date:** The Physician Assistant Board (Board) has not scheduled a public hearing on this proposed action.

**Subject Matter of Proposed Regulations:** Application, Exam Scores, Addresses, and Records

**Sections Affected:** Amend Sections 1399.506, 1399.507, 1399.511 and 1399.530, and Repeal Sections 1399.535, 1399.536, 1399.538, 1399.539, 1399.546 and 1399.556 of Division 13.8 of Title 16 of the California Code of Regulations<sup>1</sup> (CCR).

### **Background and Statement of the Problem:**

The Physician Assistant Board (Board) licenses, regulates, and investigates complaints against licensed physician assistants (PAs) in California, totaling approximately 16,378 licensees. It is the Board's duty to enforce and administer the Physician Assistant Practice Act (Chapter 7.7 (commencing with section 3500) of Division 2 of the Business and Professions Code (BPC)) (Practice Act). The Board is authorized to establish necessary rules and regulations for the enforcement of the Practice Act and the laws subject to its jurisdiction (BPC section 3510).

Since the Board's licensing application regulation was last revised in 2013, Senate Bill (SB) 697 (Stats. 2019, ch. 707) 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. In addition, laws were enacted to place limitations on the Board's ability to inquire about criminal history on an application beginning July 1, 2020 (Assembly Bill (AB) 2138, Stats. 2018, ch. 995), require the Board to ask about military service (AB 1057, Stats. 2013, ch. 693, eff. January 1, 2015), and require applications to be expedited, or the initial application and license fee waived, for certain types of applicants at BPC sections 115.4, 115.5, and 135.4.

In addition, effective January 1, 2026, Assembly Bill (AB) 1501 (Stats. 2025, ch. 194 —“AB 1501”), will make amendments to the Act to reflect that the Board does not approve PA training programs directly, but rather only recognize the national accrediting agency that accredits PA training programs. Changes to the Board's existing regulations are therefore necessary to update the Board's PA training program requirements consistent with amendments made by AB 1501, and to further specify the national accrediting agencies recognized by the Board under which programs will be “deemed approved” by the Board.

This rulemaking updates the Board's regulations by setting out the information and processes required for submission of an initial application and evaluation of eligibility for

---

<sup>1</sup> All references are to 16 CCR unless otherwise noted.

PA licensure and updating associated licensure requirements in accordance with changes to laws and regulations and current licensing processes. These changes would include:

- (1) updating the Board's initial licensing application requirements in California Code of Regulations, title 16 (CCR), section 1399.506 and establishing the Board's application submission process in regulations as specified,
- (2) updating requirements for showing proof of successful completion of the NCCPA's national examination (Physician Assistant National Certifying Examination (PANCE)),
- (3) updating requirements for showing graduation from an approved PA training program as specified,
- (4) removing the Board's current obligation in regulations in CCR section 1399.507 to establish a passing score on the written examination administered by the National Commission on Certification of Physician Assistants (NCCPA) and instead specifying that the score is set by the NCCPA,
- (5) specifying the name of the written examination required for licensure as "Physician Assistant National Certifying Examination (PANCE)" in CCR section 1399.507,
- (6) updating current requirements in CCR section 1399.11 for notice of changes of address to the Board by licensees and applicants including adding an applicant's obligation to provide an address of record that will be released by the Board to the public and posted on the website and a residential address to be used by the Board for correspondence and service of documents on the applicant,
- (7) amending CCR section 1399.530 to: remove the existing title of "General Requirements for an Approved Program" and replace it with a new title "National Accrediting Agencies Approved by the Board"; remove and update references to the Board's existing standards for approving PA training programs in compliance with AB 1501; and to further specify which national accrediting agencies are approved by the Board to accredit PA training programs, as specified;
- (8) repealing CCR section 1399.546, which currently imposes requirements for reporting of physician assistant supervision that are now determined within a practice agreement between a PA and the supervising physician and surgeon in accordance with changes made by SB 697; and,
- (9) updating requirements for approved PA training programs including repealing CCR sections 1399.535, 1399.536, 1399.538, 1399.539, and 1399.556 to reflect recent statutory changes that will eliminate the Board's authority to approve physician assistant training programs directly, effective January 1, 2026, under the provisions of AB 1501.

The specific proposed changes to the Board's regulations, and the specific reasons for

those changes are provided in further detail below.

**Anticipated benefits from this regulatory action:**

Overall, the proposed amendments bring the Board’s regulations up-to-date and bring the Board’s regulations into compliance with recent statutory changes. The proposed amendments to CCR section 1399.506 place all the information, documents and processes required for initial licensure in one convenient location and for greater applicant notice, as established on the application for licensure. The proposed amendments to CCR section 1399.507 comply with recently amended Business and Professions Code (BPC) section 3517, while the proposed amendments to CCR section 1399.511 clarify that an address of record will be posted on the Board’s public website and that applicants must also provide a residential address to the Board; changes of addresses must be reported to the Board as specified. These requirements provide greater notice and transparency regarding application, eligibility and licensing requirements for applicants and licensees. The proposed amendments to amend CCR section 1399.530 and to repeal CCR sections 1399.535, 1399.536, 1399.538, 1399.539, 1399.546 and 1399.556 help avoid licensee confusion and remove obsolete provisions that conflict with recent statutory changes to the Act, providing greater transparency as to the Board’s requirements for licensure.

**Specific Purpose and Rationale for each adoption, amendment or repeal:**

In addition, to formatting, re-numbering and other typographical changes, these changes include the following:

**CCR section 1399.506 – Filing of Applications – Adopt New Title**

Purpose: This proposal amends the title from “Filing of Applications” to “Application for Licensure.” The purpose is to provide greater clarity and notice to interested persons as to the location of the Board’s requirements for licensure.

Rationale: Revising the previous title is necessary to provide notice of the information required in a license application and to better reflect the content of this section, thereby benefitting applicants by setting out the required information that must be provided to the Board to obtain a PA license.

**CCR section 1399.506 – Subdivision (a):**

Purpose: The amendments to subdivision (a) would add what is currently required to obtain an initial PA license: all required fees, two sets of fingerprint cards or a Live Scan inquiry to establish the identity of the applicant and to permit the Board conduct a criminal history record check, requirements for submission of a completed application, and defines the content of the completed application in paragraphs (1)-(16). The proposal would also repeal outdated references to applications for licensure being “filed on a form provided by the board at its Sacramento office” and “accompanied by the fee required in section 1399.550”, which will be replaced by updated requirements and definitions as specified

below.

Rationale: Clearly setting out the requirements to obtain an initial PA license will reduce confusion for applicants and application deficiencies and increase transparency in the Board’s application process. In particular, the Board proposes the following changes for the reasons set forth below:

**Amendments to first paragraph, CCR section 1399.506 – Subdivision (a)  
Amendments to Initial PA License Application**

Purpose and Rationale: BPC section 3514.1 provides that the Board shall formulate by regulation guidelines for the consideration of applications for licensure as a physician assistant. BPC section 3519 directs the Board to issue a license to all physician assistant applicants who meet specified requirements as prescribed by that section. However, it does not specify how applicants must apply for the physician assistant license. Existing regulation merely provides that applications for licensure shall be filed on a form provided by the Board and at the Board’s Sacramento office and accompanied by the fee required in section 1399.550.

Significant amendments were made to this subsection to clarify the specific requirements in the initial application for licensure consistent with implementation of the Board’s online licensing system (“BreEZe”) and recent changes in law. These proposed amendments are necessary to consolidate requirements in this subsection and to specify the current requirements for submission of a “completed” application as specified in paragraphs (1)-(16) and this section, as well as submission of required fees (further defined in subsection (b)), and two sets of fingerprint cards or a Live Scan inquiry to establish the identity of the applicant and to permit the Board conduct a criminal history record check (further specified in subsection (d)). Completed applications and compliance with licensing requirements are necessary to ensure effective review and evaluation of applicant qualifications and to avoid deficiencies in the application process.

These changes are also necessary to facilitate the consolidation of the application requirements and accurately map out the Board’s applicant submission requirements (primarily electronic delivery with noted exceptions). The Board believes it is necessary for the narrative format to be used for the most effective and least confusing implementation of existing laws for applicants applying online and using electronic delivery methods. These revisions are also necessary to ensure all licensing requirements are met and that grounds for denial do not exist in accordance with BPC section 3519.

**Repeal of existing language in CCR section 1399.506 – Subdivision (a)**

Purpose and Rationale: Proposed amendments would strike references to submission of the initial application “to be filed on a form provided by the board” and “at its Sacramento office.” This is necessary to remove this obsolete paper form requirement and replace it with the Board’s online licensing system submission process which is submitted electronically and not at the Board’s office; the new process is proposed to be added in regulation at subsection (b)(3). The Board also proposes to repeal “and accompanied by

the fee required in section 1399.550,” as this requirement is proposed to be more thoroughly covered by the “required fees” language proposed to be added to this subsection and defined in subsection (b).

**Adoption of CCR section 1399.506 – Subdivision (a), paragraph (1) and (1)(A), “Personal Information” and Disclosure of Name**

Purpose: This proposal adds additional “personal information” required to be disclosed in the application including (A) the applicant’s full legal name ((Last Name) (First Name) (Middle Name) and optional (Suffix)) and any aliases ((Last Name) (First Name) (Middle Name) and optional (Suffix)) previously and currently used including maiden names.

Rationale: Personal information is necessary to verify the identity of the applicant and help the Board communicate with applicants more effectively and accurately track all information related to the licensing application through this identifying information. Requiring the name of the applicant is the starting point for verifying applicant identity and confirming other related licensing requirements have been met (e.g., no substantially related criminal history and completion of required education and training).

**Adoption of CCR section 1399.506 – Subdivision (a), paragraph (1)(B), “Personal Information” Disclosure of SSN or ITIN**

Purpose and Rationale: This proposal would require disclosure of the applicant’s Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN) in the application. The Board collects the SSN and ITIN as required by BPC sections 30, 31, 494.5 and Family Code section 17520 and the purposes specified therein (including enforcement of tax and family support obligations).

**Adoption of CCR section 1399.506 – Subdivision (a), paragraph (1)(C), “Personal Information” Disclosure of Applicant’s Address of Record (Mailing Address)**

Purpose and Rationale: This proposal would require disclosure of the applicant’s address of record to the Board and specify that address of record means “mailing address” by including that phrase in a parenthetical behind the words “address of record” to avoid confusion for applicants and cross-referencing to the Board’s proposed new mailing address requirements in CCR section 1399.511. This information is necessary and essential for the Board to communicate with an applicant regarding any issues that arise during the processing of the application, and in connection with possible later communications with a licensee regarding their license, investigation of complaints, and/or issuance of a citation. BPC section 3518 also requires, in part:

The board shall keep a current register for licensed PAs, if applicable. The register shall show the name of each licensee, the licensee’s last known address of record, and the date of the licensee’s licensure.

This information is therefore necessary to be collected from the applicant to comply with Section 3518’s mandate once an applicant becomes licensed. In addition, the Board

proposes to add an affirmative requirement for applicants to have a mailing address as set forth in proposed amendments to CCR section 1399.511. This section is therefore provided to facilitate implementation of, and provide consistency with, that requirement.

**Adoption of CCR section 1399.506 – Subdivision (a), paragraph (1)(D), “Personal Information” Disclosure of Applicant’s Residential Street Address**

Purpose and Rationale: This proposal would require disclosure of the applicant’s residential (street) address unless already provided in response to the question in subparagraph (C) of this paragraph that requires disclosure of a mailing address, as discussed in the foregoing section. For applicants which provide a post office box as their address of record, it is necessary for the Board to have a residential address because if the Board needs to serve an applicant or licensee with legal process (e.g., a subpoena which is required by law to be served personally – see Gov. Code, § 11450.20 incorporating Code Civ. Proc., § 1987), a post office box address will not suffice. This is consistent with other state policy in this area at BPC section 27, which requires posting of such information on the websites of other agencies in this Department. Applicants who have already provided a residential address as their address of record or mailing address to the Board in response to the prior question, would be exempted from providing this information as it is not necessary to provide the information twice.

**Adoption of CCR section 1399.506 (a), paragraph (1)(E) “Personal Information” Disclosure of Applicant’s Date of Birth**

Purpose and Rationale: This proposal would require disclosure of the applicant’s date of birth. This is necessary for staff to create an entry in the Board’s records of the applicant’s identifying information that further confirms an applicant’s identity by means of their date of birth. In addition, BPC section 3523 requires the Board to renew licenses biennially according to an applicant’s birth date as follows:

All physician assistant licenses shall expire at 12 midnight of the last day of the birth month of the licensee during the second year of a two-year term if not renewed.

As a result, the Board needs this information to set the applicant’s renewal date, if an initial license is issued.

**Adoption of CCR section 1399.506 – Subdivision (a), paragraph (1)(F), “Personal Information” Disclosure of Applicant’s Home Telephone Number, if any, and mobile telephone numbers**

Purpose and Rationale: This proposal would require disclosure of the applicant’s home telephone number (if any) and mobile telephone numbers. The Board assumes that most applicants have a mobile telephone number but not all would have a home telephone number (in the Board’s experience). The objective with this proposal would be to collect as much contact information as possible as it is necessary and essential for the Board to communicate with the applicant, and for potential later communications with a licensee.

**Adoption of CCR section 1399.506 – Subdivision (a), paragraph (1)(G), “Personal Information” Disclosure of Applicant’s Email Address**

Purpose and Rationale: The proposal would require disclosure of the applicant’s email address. As noted for other contact information requested on the application, it is necessary and essential for the Board to communicate with the applicant, and for potential later communications with a licensee. In addition, in the Board’s experience, this is the preferred method of communication for most applicants; therefore, collection of the email facilitates clear communication channels between the applicant and the Board, thereby enabling effective and timely communication.

**Adoption of CCR section 1399.506 – Subdivision (a), paragraph (1)(H), “Personal Information” Disclosure of the Name of the Applicant’s Physician Assistant Training Program, the Applicant’s Attendance Start and End Dates, and the Address and Telephone Number of the Physician Assistant Training Program**

Purpose and Rationale: This subparagraph would require disclosures of the above information relative to the applicant’s PA training program. The above information required in subparagraph (H) is necessary for Board staff to be able to verify that an applicant graduated from an approved physician assistant training program, which is a requirement for licensure (BPC sections 3513 and 3519(a)). This information would later be reconfirmed also through the certifications submitted by the applicant’s training program as further specified in paragraph (13) of this section (further explained below). This provides the applicant with the opportunity to begin the licensure process and the Board to verify educational requirements are met through multiple sources (applicant and training program).

**Adoption of CCR section 1399.506 – Subdivision (a), paragraph (1)(I), “Personal Information” Disclosure of Whether the Applicant Has Ever Applied for a California Physician Assistant License**

Purpose and Rationale: This proposal would require the applicant to disclose if they have ever applied for a California physician assistant license. The information required in subparagraph (I) is necessary for Board staff to investigate the qualifications of the applicant and the applicant’s history with the Board. This would permit the Board to more effectively locate and review any materials previously submitted to the Board by the applicant to ensure the information the Board receives is accurate and complete and that any prior issues (including denials) have been addressed since the individual last applied. This is information that would aid the Board in considering various factors when determining whether grounds for denial or other action are warranted consistent with the Board’s authority in BPC sections 480 and 3527 and CCR sections 1399.521 and 1399.521.5 and the substantial relationship and rehabilitation criteria analyses required by BPC section 481 and 482 (further specified in CCR sections 1399.525 and 1399.526).

**Adoption of CCR section 1399.506 – Subdivision (a), paragraph (1)(J), “Personal Information” Disclosure of the Applicant’s Healthcare Occupation License History**

Purpose and Rationale: The language added to subdivision (a) paragraph (1) in subparagraph (J) requires the applicant to disclose if they've ever been licensed, certified, or registered in any state, country, or federal agency in any health care occupation. If the applicant answers "yes," they would be required to disclose the status of that license, certificate, or registration (for example: active, inactive, suspended, revoked, on probation), and the dates of issuance and expiration of any current or prior license(s), certification(s) or registration(s). The information required in subparagraph (J) is necessary for Board staff to more effectively investigate the qualifications of the applicant and the applicant's history of licensure in health-related occupations for the protection of the public. Since grounds for denial include more than just a history of criminal convictions and license discipline in or outside of California (as authorized by BPC section 480), the Board requests a more comprehensive healthcare licensure history to allow the Board to further investigate an applicant's background and determine whether other grounds for denial exist under other provisions the Practice Act at BPC section 3527 and CCR sections 1399.521 and 1399.521.5.

Finally, to improve comprehension and provide additional notice regarding what "status of the license" means the Board would add parentheticals to this question that include examples of what the Board typically considers a "status" in license history for an individual ("for example: active, inactive, suspended, revoked, on probation"). This will also help avoid application deficiencies for those who may misunderstand the meaning of the question.

### **Adoption of CCR section 1399.506 – Subdivision (a), paragraph (2), Disclosure of the Applicant's Malpractice History**

Purpose: The language added in subdivision (a) paragraph (2) requires an applicant to disclose whether they have a malpractice history, which is defined in subparagraph (A) as either civil judgments as described in BPC section 803.1(b)(1), or malpractice settlements as described in BPC section 801.01(a)(1). The language added in subparagraph (B) requires that applicants who respond "yes" to having a malpractice history as defined in subparagraph (A) provide the Board with a written narrative of each malpractice event, and the narrative must include each civil judgment, arbitration award or malpractice settlement, including the name of the case, court case or arbitration case no. (if any), name and location of court or arbitrator, date of judgment, award or settlement, and disposition of the judgment, award or settlement. In addition, the applicant may submit a statement or documents showing the applicant's rehabilitation efforts or any mitigating information that the applicant would like the Board to consider related to any event disclosed pursuant to this subsection.

Rationale: The disclosure of an applicant's malpractice history information required from applicants in paragraph (2), as defined in subparagraph (A), is necessary for Board staff to investigate the applicant's fitness for licensure as the Board is authorized to deny an application based upon unprofessional conduct as set forth in BPC section 3527 and CCR sections 1399.521 and 1399.521.5. Obtaining an applicant's malpractice history information in the license application is necessary for public protection, the Board's highest priority

(BPC section 3504.1.)

In the Board's experience, reporting and review of civil judgments, arbitration awards and malpractice settlements (defined herein for easier comprehension and consistency of use as "malpractice history"), can provide valuable information about an applicant's fitness for licensure, which is why it is authorized to be collected from licensees and reported to the public in accordance with BPC sections 803.1(b)(1) and 801.01(a)(1). Along with evaluating the applicant's fitness for licensure, it is in the interests of public protection for the Board to have complete records of any malpractice history if a licensee later becomes the subject of an investigation by the Board for unprofessional conduct or other acts that are grounds for discipline as part of aggravating or mitigating information considered (e.g., history and nature of past actions as they relate to the case at issue). Adding this paragraph also provides notice to potential applicants that disclosure of any malpractice history is required for a "completed application."

Subparagraph (2)(B) adds a requirement for providing a "written narrative" about each civil judgment, arbitration award or malpractice settlement if the applicant responds "yes" to the question in (2)(A) including name of the case, court case or arbitration case no. (if any), name and location of court or arbitrator, date of judgment, award or settlement, and disposition of the judgment, award or settlement, and other identifying items to help ensure complete information is provided. This would allow a more complete and effective investigation into an applicant's background and any possible disqualifying conditions.

Finally, the applicant may submit a statement or documents showing the applicant's rehabilitation efforts or any mitigating information that the applicant would like the Board to consider. This will enable the Board to evaluate all applicable information regarding fitness for licensure consistent with its rehabilitation criteria as set forth in CCR section 1399.526.

**Adoption of CCR section 1399.506 – Subdivision (a), paragraph (3), subparagraphs (A) and (B), Disclosure of applicant's history of discipline:**

Purpose: Adds the words "Excluding actions based upon the applicant's criminal conviction history" to this question that requests disclosure of an applicant's history of licensing discipline. For the definition of a licensing jurisdiction's disciplinary actions in subparagraph (3)(A)(ii), this proposal would limit disclosures to "within the seven (7) years immediately preceding the date of application to the Board for a license." Subdivision (a), paragraph (3) then requires an applicant to disclose whether they have a "history of discipline", as defined in subparagraphs (A)(i)-(ii), and subparagraph (B) requires that applicants that respond "yes" to having a history of discipline as defined in paragraph (3)(A), to provide the Board with a written narrative of each disciplinary event including the incident date, name and location of any training program or licensing jurisdiction, charge(s) or violation(s) found by the training program or licensing jurisdiction, license type and license number and outcome or disposition. The applicant shall also provide copies of all official documents pertaining to the history of discipline, including charging documents, decisions or orders, and, if applicable, letters of explanation from the director or an authorized representative of the physician assistant training program. In addition, the applicant may submit a statement or documents showing the applicant's rehabilitation

efforts or any mitigating information that the applicant would like the Board to consider related to any history of discipline disclosed pursuant to this subsection.

Rationale: Amendments adding an exclusion based on the applicant’s criminal conviction history and limiting the timeframe for disclosures of prior discipline to seven years from the date of application are necessary for the Board to comply with BPC section 480 (as amended by Assembly Bill (AB) 2138 Stats. 2018, ch. 995). BPC section 480(f)(2) provides that: “(2) Except as provided in paragraph (1), a board shall not require an applicant for licensure to disclose any information or documentation regarding the applicant’s criminal history.” BPC section 480 (a)(2) also limits the Board’s ability to request past disciplinary history when the disclosure relates to “formal discipline by a licensing board in or outside California” (AKA “licensing jurisdictions in this proposal) to “the preceding seven years from the date of application based on professional misconduct that would have been cause for discipline before the board for which the present application is made...” As a result, the Board has drafted its discipline question to ensure that only relevant and necessary disclosures are made and used by the Board to deny an application. Since this limitation in BPC section 480 applies only to discipline by a licensing “board”, the Board proposes to not apply this seven-year limitation to the definition in subparagraph (A)(i) relating to discipline from a physician assistant training program.

The definitions for “history of discipline” in subparagraphs (3)(A) and (B) are necessary to provide advance notice to applicants of the scope of disclosure required and to avoid deficiencies in the application process. In addition, providing these specified definitions ensures applicants fully understand what “discipline” means in responding to this question, and to provide a definition that includes the types of actions licensing jurisdictions are typically authorized to take, similar to discipline options available to the Board under the Practice Act and pursuant to the Administrative Procedure Act (see Gov. Code, § 11503).

The disclosure of an applicant having a history of discipline as specified and required by paragraph (3), as defined in subparagraph (A)(i)-(ii), is necessary for Board staff to investigate an applicant’s fitness for licensure and determine whether any further denial or other enforcement action is warranted consistent with the Board’s authority in BPC sections 480 and 3527 and CCR sections 1399.521 and 1399.521.5. Obtaining disciplinary action information in the application for licensure as a physician assistant is required for public protection, the Board’s highest priority (BPC section 3504.1). Along with evaluating the applicant’s fitness for licensure, it is in the interests of public protection for the Board to have complete records of any disciplinary actions described in paragraph (3)(A) if a licensee later becomes the subject of an investigation by the Board for unprofessional conduct or other grounds for discipline that demonstrates the licensee’s history, and the nature and gravity of misconduct. Adding this paragraph also provides notice to potential applicants that disclosure of any history of discipline is required for a “completed application.”

In addition, to allow the Board to consider all circumstances surrounding a “yes” answer and cause for possible denial or other enforcement action, and to adequately evaluate any

mitigating or rehabilitation evidence pursuant to CCR section 1399.526, the Board requests a written narrative of each disciplinary event that includes the following, as applicable:

- (1) the incident date,
- (2) name and location of any training program or licensing jurisdiction,
- (3) charge(s) or violation(s) found by the training program or licensing jurisdiction,
- (4) license type and license number,
- (5) outcome or disposition; and,
- (6) copies of all official documents pertaining to the history of discipline, including charging documents, decisions or orders, and, if applicable, letters of explanation from the director or an authorized representative of the physician assistant training program.

Finally, the applicant may submit a statement or documents showing the applicant's rehabilitation efforts or any mitigating information that the applicant would like the Board to consider. This will enable the Board to evaluate all applicable information regarding fitness for licensure consistent with its rehabilitation criteria as set forth in CCR section 1399.526.

**CCR section 1399.506 – Subdivision (a), paragraph (4), subparagraphs (A) and (B), Disclosure of Applicant's Administrative Actions:**

Purpose: Adds the words "Excluding actions based upon the applicant's criminal conviction history" to this question that requests disclosure of an applicant's administrative action(s). Subdivision (a), paragraph (4) then requires an applicant to disclose whether they have ever been subject to an administrative action, as defined in subparagraph (A)(i)-(iii), and subparagraph (B) requires that applicants that respond "yes" to being subject to any of the administrative actions listed in subparagraph (A) to provide the Board with a written narrative of each administrative action, including the as applicable, the incident date, name and location of licensing jurisdiction, charge(s) or violation(s) found by the licensing jurisdiction, license type and license number and outcome or disposition. The proposal would also require submission of copies of all official documents pertaining to the administrative action(s), including charging documents or denial letters, and any decisions or orders. In addition, the applicant may submit a statement or documents showing the applicant's rehabilitation efforts or any mitigating information that the applicant would like the Board to consider related to any denial disclosed pursuant to this subsection.

Rationale: Similar to the amendments noted above, amendments adding an exclusion based on the applicant's criminal conviction history are necessary for the Board to comply with BPC section 480 (as amended by Assembly Bill (AB) 2138 Stats. 2018, ch. 995). BPC section 480(f)(2) provides that: "(2) Except as provided in paragraph (1), a board shall not require an applicant for licensure to disclose any information or documentation regarding

the applicant’s criminal history.” This ensures the Board collects only necessary and relevant information when requesting this history in accordance with BPC section 480.

Citation and fines or other administrative actions by licensing jurisdictions are not legal legally considered discipline (see, e.g., *Owen v. Sands* (2009) 176 Cal.App.4th 985, 994 and Gov. Code, § 11503). However, in the Board’s experience any of the following administrative actions taken to enforce the laws under an agency’s jurisdiction can yield important information about an applicant’s history of complying with relevant laws and regulations, competence and the exercise of sound clinical judgment in accordance with the standard of care in the regulated community:

- (i). the applicant had a health care license or certificate, or narcotics (controlled substance) permit denied by the State of California, any other state, any agency of the federal government, or another country (“licensing jurisdiction”);
- (ii). the applicant has pending charges filed against them, or has ever been issued a citation and fine while holding a health care license or certificate by a licensing jurisdiction;
- (iii). the applicant surrendered a health care license or certificate, or narcotics (controlled substance) permit to a licensing jurisdiction.

The disclosure of an applicant’s administrative action(s) information required by paragraph (2), as defined in subparagraph (A)(i)-(iii) noted above, is necessary for Board staff to investigate an applicant’s fitness for licensure and determine whether any further denial or other enforcement action is warranted consistent with the Board’s authority in BPC section 3527 and CCR sections 1399.521 and 1399.521.5. Obtaining an applicant’s administrative action history in the license application is necessary for public protection, the Board’s highest priority (BPC section 3504.1). Along with evaluating the applicant’s fitness for licensure, it is in the interests of public protection for the Board to have complete records of any history of discipline if a licensee later becomes the subject of an investigation by the Board for unprofessional conduct or other misconduct to evaluate mitigating and aggravating factors. Adding this paragraph also provides notice to potential applicants that disclosure of any prior administrative action(s) is required for a “completed application.”

In addition, to allow the Board to consider all circumstances surrounding a “yes” answer and cause for possible denial or other enforcement action, and to adequately evaluate any mitigating or rehabilitation evidence pursuant to CCR section 1399.526, the Board requests a written narrative of each administrative action that includes the following, as applicable:

- (1) the incident date,
- (2) name and location of licensing jurisdiction,
- (3) charge(s) or violation(s) found by the licensing jurisdiction,

- (4) license type and license number,
- (5) outcome or disposition; and,
- (6) copies of all official documents pertaining to the administrative action(s), including charging documents or denial letters, and any decisions or orders.

Finally, the applicant may submit a statement or documents showing the applicant's rehabilitation efforts or any mitigating information that the applicant would like the Board to consider. This will enable the Board to evaluate all applicable information regarding fitness for licensure consistent with its rehabilitation criteria as set forth in CCR section 1399.526.

**CCR section 1399.506 – Subdivision (a), paragraph (5), subparagraph (A), Disclosure of Whether Applicant Denied Permission to Take a Health Care-Related Examination:**

Purpose: Adds the words “Excluding actions based upon the applicant's criminal conviction history” to this question. Subdivision (a), paragraph (5) then requires an applicant to disclose whether they have ever been denied permission to take a health care-related examination in California, any other state, United States federal jurisdiction, or another country (“licensing jurisdiction”), or if any such action is pending. Subparagraph (A) requires that applicants that respond “yes” to having been subject to any of the denials as defined in paragraph (5)(A) (or if any such denials are pending) to provide the Board with a written narrative that includes the date of the denial(s) or pending denial(s) and the reason(s) for the denial or pending denial(s). In addition, the applicant may submit a statement or documents showing the applicant's rehabilitation efforts or any mitigating information that the applicant would like the Board to consider related to any denial by any licensing jurisdiction disclosed pursuant to this subsection.

Rationale: Similar to amendments noted above, amendments adding an exclusion based on the applicant's criminal conviction history are necessary for the Board to comply with BPC section 480 (as amended by Assembly Bill (AB) 2138 Stats. 2018, ch. 995). BPC section 480(f)(2) provides that: “(2) Except as provided in paragraph (1), a board shall not require an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history.” This ensures the Board collects only necessary and relevant information when requesting this history in accordance with the limitations imposed by BPC section 480.

The disclosure of the applicant having been denied permission (or if such denial action is pending) to take a health care-related examination is necessary for Board staff to investigate an applicant's fitness for licensure and to determine whether any further denial or other enforcement action is warranted consistent with the Board's authority in BPC section 3527 and CCR sections 1399.521 and 1399.521.5. Obtaining information on whether an applicant has been denied permission to take a health care-related examination (or if such denial is pending) in the application for licensure as a physician assistant is required for public protection, the Board's highest priority (BPC section 3504.1). Along with evaluating the applicant's fitness for licensure, it is in the interests of public protection for the Board to have complete records of any such denials or be aware of any underlying

misconduct for which a denial is pending if a licensee later becomes the subject of an investigation by the Board for unprofessional conduct or other misconduct. Adding this paragraph provides notice to potential applicants that disclosure of any denials or pending denial(s) as described in paragraph (5)(A) is required for a “completed application.”

In addition, to allow the Board to consider all circumstances surrounding a “yes” answer and cause for possible denial or other enforcement action, and to adequately evaluate any mitigating or rehabilitation evidence pursuant to CCR section 1399.526, the Board requests a written narrative of each administrative action that includes the date of the denial(s) or pending denial(s) and the reason(s) for the denial(s) or the pending denial(s).

Finally, the applicant may submit a statement or documents showing the applicant’s rehabilitation efforts or any mitigating information that the applicant would like the Board to consider. This will enable the Board to evaluate all applicable information regarding fitness for licensure consistent with its rehabilitation criteria as set forth in CCR section 1399.526.

**CCR section 1399.506 – Repeal existing Subsection (b) and Adopt New Subdivision (a), paragraph (6):**

Purpose and Rationale: The Board proposes to repeal an existing reference to the process for filing applications for approval of programs for the education and training of physician assistants in subsection (b), which reads: “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.”

In the proposed amendments the requirement that training programs apply for Board approval is removed so that CCR section 1399.506 covers exclusively the topic of applications for PA licensure. The removal of this language is needed, consistent with the provisions of BPC section 3513, which now states that the Board shall recognize the approval of training programs by a national accrediting organization approved by the Board (currently proposed to be specified in this proposal as the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) in paragraph (13) of this section).

This proposal would also add the question whether the applicant is serving in, or has previously served in, the United States military as required by BPC section 114.5.

**CCR section 1399.506 – Subdivision (a), paragraph (7) “Active Duty Member of the Armed Forces” Disclosure:**

Purpose: Proposed language is added to notify applicants of the expedited application review process available for honorably discharged active-duty members of the Armed Forces of the United States (Armed Forces) pursuant to BPC section 115.4. If the answer is “yes,” the applicant shall provide the following documentation with the application to receive expedited review: a copy of a certificate of release from active duty (DD-214, which is the Department of Defense’s standard report of separation for members of the U.S. Armed Forces that includes the necessary information for the Board to process such requests) or

other documentary evidence showing the date and type of discharge to receive expedited review.

**Rationale:** By adding the language in subdivision (a), paragraph (7) the Board implements and follows BPC section 115.4 by notifying applicants of the expedited application review available for honorably discharged active-duty members of the Armed Forces. The Board cites BPC section 115.4 in this paragraph to direct applicants to the relevant statute where they can look for further information about obtaining an expedited review on these grounds. It is necessary to add subdivision (a), paragraph (7) to state the Board’s statutory obligation to expedite application review under BPC section 115.4 so that all of information relevant to an initial license application is presented together in one section.

This proposal is also necessary to determine whether an applicant is supplying sufficient documentation to receive expedited review and processing per BPC section 115.4. To date, the Board has not received any other type of evidence in lieu of the DD-214 but includes the additional option of supplying “other documentary evidence” to help ensure that future applicants have other options for demonstrating they qualify. This information is necessary to determine whether the applicant has provided satisfactory evidence that meets the requirements for expedited processing per BPC section 115.4.

**CCR section 1399.506 – Subdivision (a), paragraph (8) Active Duty Member of a Regular Component of the U.S. Armed Forces enrolled in DOD Skillbridge program Disclosure:**

**Purpose:** This proposal would ask the applicant whether they are an active-duty member of a regular component of the United States Armed Forces and enrolled in the United States Department of Defense’s SkillBridge program as authorized under Section 1143(e) of Title 10 of the United States Code and is requesting expedited processing of their application pursuant to subdivision (b) of Section 115.4 of the Code. If the answer is “yes”, the applicant shall provide with their application a copy of an official approval document or letter from their respective United States Armed Forces Service branch (Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard), signed by the applicant’s first field grade commanding officer that specifies the applicant’s name, the approved SkillBridge opportunity, and the specified duration of participation (i.e., start and end dates).

**Rationale:** This proposal is necessary to determine whether an applicant qualifies for expediting their application as required by BPC section 115.4(b) and to specify documentation to ensure verification of such status with the Department of Defense. A representative from the Department of Consumer Affairs consulted with representatives from the Department of Defense (DOD) in the development of these criteria and these revisions were made consistent with the Board’s understanding of those common requirements for showing approval of such enrollees in the DOD SkillBridge partner application process across all branches of the US Armed Forces (Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard). This adoption is necessary to implement and give adequate notice of these qualifying requirements to obtain expedited review per

BPC section 115.4(b).

**CCR section 1399.506 – Subdivision (a), paragraph (9), Disclosure Whether Married to or Domestic Partnership with an Active Duty Member of the U.S. Armed Forces assigned to a duty station in CA and holds current PA license in another U.S. state, district, or territory**

Purpose: Subdivision (a), paragraph (9) adds language notifying applicants of the expedited application review process available to spouses, domestic partners, or persons in legal union with an active-duty member of the Armed Forces, pursuant to BPC section 115.5. The proposal asks the applicant whether they already hold a current license physician assistant license in another U.S. state, district or territory (all part of the definition for “State” in BPC section 21), and whether their spouse or domestic partner is an active-duty member of the U.S. Armed Forces and is assigned to a duty station in California under official active-duty orders. If the applicant answers “yes,” the proposal provides that their application will receive an expedited review and fee waiver per BPC section 115.5 and subsection (c) of this section, if specified documentation is provided. The specified documentation to support the request includes as provided in subsection (c) of this section: (1) a certificate of marriage or certified declaration/registration of domestic partnership filed with the Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces of the United States; (2) a copy of the military orders establishing their spouse or partner’s duty station in California; and, (3) a copy of the applicant’s current license to practice as a physician assistant in another state, district, or territory of the United States.

Rationale: The question is to provide notice to applicants of the expedited review and fee waiver opportunity for those who qualify in accordance with BPC section 115.5. This question is also necessary to determine whether an applicant meets the requirements for expedited review, processing and a fee waiver under BPC section 115.5 and the documentation requirements further specified in subsection (c) (noted above). These documents are necessary to verify and ensure the applicant meets the statutory requirements for expediting the licensure process by requesting official government documents, licenses and military records to substantiate the information provided to the Board. To date, the Board has not received any other type of evidence in lieu of a certificate of marriage or certified declaration/registration of domestic partnership but includes this possibility of “other documentary evidence” should it be submitted in the future to help ensure that applicants have other options for demonstrating they qualify. It is also necessary to add subdivision (a), paragraph (9) to state the Board’s statutory obligation to expedite application review under BPC section 115.5 so that all of information relevant to an initial license application is presented together in one section. Adding subdivision (a), paragraph (9) improves the clarity and transparency of the Board’s application process.

**CCR section 1399.506 – Subdivision (a), paragraph (10) Applicant Disclosure of Refugee, Asylee, or Special Immigrant Visa Status:**

Purpose: Subdivision (a), paragraph (10) adds language notifying applicants seeking

expedited processing of an application pursuant to Section 135.4 of the Code of the expedited application review process available for any applicant who is a refugee, has been granted asylum, or who holds certain types of special immigration visas. If the applicant answers “yes,” in subsection (a)(10), the Board requests they provide official documents commonly issued by federal agencies or the courts for the categories of individuals listed in section 135.4 as evidence of their status as a refugee, asylee, or special immigrant visa holder which includes:

- Form I-94, arrival/departure record, with an admission class code such as “re” (refugee) or “ay” (asylee) or other information designating the person a refugee or asylee.
- Special immigrant visa that includes the “si” or “sq.”
- A permanent resident card (Form I-551), commonly known as a “green card,” with a category designation indicating that the person was admitted as a refugee or asylee.
- An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Board that the applicant qualifies for expedited licensure per BPC section 135.4.

**Section 100 Changes to add the following introductory phrase:** The original text approved by the Board at its August 15, 2025 Board meeting was amended to include the following introductory phrase: “If the applicant is seeking expedited processing of an application pursuant to Section 135.4 of the Code...,” which the Executive Officer proposes to correct under her authority to make non-substantive changes delegated to her by the Board. This addition is simply a revision to the structure of the sentence for easier applicant review and a restatement of the existing Board policy and therefore does not affect any applicant’s rights, responsibilities or duties under this proposal.

Rationale: These questions are necessary to assist those applicants who wish to seek expedited review of their applications and to determine whether the applicant qualifies for expediting of the initial application for refugees, asylees, and holders of special immigrant visas as required by BPC section 135.4(a)’s criteria for expediting these types of applications. These documents are necessary to verify and ensure the applicant meets the statutory requirements for expediting the initial application process. Copies of official government documents will help ensure the accuracy of the information provided by the applicants to the Board.

These changes are also necessary so that all of information relevant to an initial license application is presented together in one section. Adding subdivision (a), paragraph (10) also improves the clarity and transparency of the Board’s application process.

**CCR section 1399.506 – Subdivision (a), paragraph (11), Self-Query Report from the National Practitioner Data Bank (NPDB):**

Purpose: This proposal would add subdivision (a), paragraph (11) that would require applicants to submit a Self-Query Report from the national practitioner databank (with short form reference to “NPDB”) dated within 30 days after the date an application is submitted to the Board through the online services system and would prescribe the

procedures for how to obtain and send a Self-Query Report to the Board. The Self Query Report would be required to be sent directly to the Board by the Federation of State Medical Boards (FSMB) via an e-mail notice that the report is available for download. This new requirement would include placing a Self-Query order with the FSMB's Practitioner Direct portal by visiting a specified website (<https://fsmb.org>) and following the instructions and paying any required fee set by the FSMB to have their Self-Query Report sent to the Board.

Rationale: 42 U.S. Code § 1320a-7e (enacted by federal law under the Health Care Quality Improvement Act of 1986 (HCQIA) Public Law 99-660) requires each government agency and health plan to report any final adverse action taken against a health care provider, supplier, or practitioner to the NPDB. The NPDB was created under the HCQIA to prevent practitioners from moving state-to-state without disclosure of their adverse performance histories.

A Self-Query Report is an official document issued directly to an individual or entity that requests their own data held in the NPDB that shows if any adverse licensure actions (e.g., suspension, revocation) have been filed against a healthcare practitioner. Since this information provides licensing agencies with a comprehensive background on an individual's past licensing history (if any) and is derived from an official source, it is common for state agencies to request the Self Query Report as part of the licensure process (see e.g., California State Board of Pharmacy at 16 CCR § 1727.2 and the Dental Board of California at Bus. & Prof. Code, § 1629). Like these other boards in this Department, the Board proposes to add this requirement to receive the most complete background information and to more effectively evaluate whether grounds for denial exist in accordance with BPC sections 480, 3527 and CCR sections 1399.521. and 1399.521.5.

Since these reports are typically confidential with limited exceptions (see 42 U.S.C. § 11137) and to ensure the timeliest method of receiving this information, the Board requests that the applicant authorize their Self-Query Report to be submitted directly to the Board according to the procedures outlined in this subdivision. Signed and dated releases help to ensure that federal authorities understand that these inquiries are currently directed by the applicant and that any possible privacy issues are waived by the applicant so that the Board can get faster responses from these authorities and can conduct a more efficient review of applicant eligibility.

The addition of the process for obtaining a submitting a Self-Query Report to the Board is needed to avoid confusion for applicants and to accurately convey the current process for submission of this information to the Board since the process is not currently specified in the Board's Physician Assistant Regulations. In addition, this specificity helps ensure that the applicant provides the requisite information consistent with the requirements of the FSMB, who administers this Self Query report process for the NPDB. As a result, these reporting process requirements are needed to accurately reflect the process for obtaining and submitting an applicant's NPDB Self-Query Report and to meet this requirement as part of the completed application requirements for this section.

Submission of the report "within 30 days after the date an application is submitted to the

Board through the online services system” helps ensure currency of the information when it is reviewed by staff as part of the investigation into the applicant’s qualifications for licensure. This requirement would also prevent unnecessary delays in the review process and give applicant’s a reasonable amount of time, in the Board’s experience, to submit the required information to the FSMB and for the Board to receive a response (please note the submission requirements through and outside the online services system are addressed in proposed changes to new subsection (b) below).

**CCR section 1399.506 – Subdivision (a), paragraph (12), Disclosure of PANCE score:**

Purpose: This proposal would add subdivision (a), paragraph (12) that would require an applicant to access online the National Commission on Certification of Physician Assistants (NCCPA) website at [www.nccpa.net](http://www.nccpa.net), and follow all instructions required by the NCCPA to authorize the electronic release of their Physician Assistant National Certifying Examination (PANCE) score directly to the Board to show passage of the PANCE exam. This subdivision would also require the Board to access the applicant’s PANCE score and verify compliance with this paragraph through the NCCPA portal.

Rationale: BPC section 3517 mandates that the Board require a written examination of physician assistants in the manner and under the rules and regulations as it shall prescribe. BPC section 3514.1 provides that the Board shall formulate by regulation guidelines for the consideration of applications for licensure as a physician assistant. BPC section 3519 directs the Board to issue a license to all physician assistant applicants who meet specified requirements as prescribed by that section, including passing any required examination without specifying what examination is “required”.

CCR 1399.507 provides that the written examination for licensure as a physician assistant is that administered by the National Commission on Certification of Physician Assistants. Under this proposal with amendments to CCR section 1399.507, successful completion would require that the applicant have achieved the passing score established by the NCCPA for that examination. Further, Section 1399.507 currently provides that it is the responsibility of the applicant to ensure that certification of his or her examination score is received by the Board.

However, current regulations do not specify the manner and method of submission of their PANCE score or the current requirements for submission established by the NCCPA. As a result, these changes that outline the NCCPA’s process for submitting the PANCE score directly to the Board are needed to provide notice and avoid confusion for applicants. In addition, such a definition helps ensure that the applicant provides the requisite documentary proof needed to establish passage of the PANCE examination consistent with proposed changes to CCR section 1399.507 and the requirements of the NCCPA, who administers this national exam. Further, to provide notice of how the applicant could confirm that their score has been received, this proposal would specify that that the “Board shall access the applicant’s PANCE score and verify compliance with this paragraph through the NCCPA portal.” These requirements are needed to accurately reflect the process for obtaining and submitting

scores that are issued by the NCCPA evidencing successful completion of the PANCE examination and the type of proof to be furnished to the Board to meet the requirements in BPC section 3517.

**CCR section 1399.506 – Subdivision (a), paragraph (13), Provision of Acceptable Certification of Graduation from an Approved PA Training Program, as specified:**

Purpose: This proposal would add subdivision (a), paragraph (13) that would require an applicant to cause an acceptable certification of graduation from an approved physician assistant training program to be submitted on their behalf in accordance with specified procedures set forth in this paragraph and subparagraphs (A)-(D). This proposal would set forth requirements that the applicant request that their approved physician assistant (PA) training program submit an acceptable certification to the Board to certify successful completion of that training program in accordance with paragraphs (A)-(D). This proposal would also add a new Subparagraph (A) that outlines the requirements for an applicant to request their PA program provide the acceptable certification as specified in this subdivision. Subparagraph (B) would be added to specify the contents of an acceptable certification. Subparagraph (C) would provide a definition of an approved physician assistant training program or PA training program. Subparagraph (D) would specify the process for how an acceptable certification would be sent to the Board either by mail or electronically.

Rationale: BPC section 3519 mandates that the Board require “evidence” of successful completion of an approved program for the issuance of a PA license without specifying what that “evidence” means. This section would address that ambiguity by specifying what evidence the Board requires for verifying that applicants have successfully completed an approved PA training program. These requirements are also needed to ensure that the Board obtains verification of graduation directly from the physician assistant or PA training program to ensure accuracy and prevent fraud in the application process. Further, the content and background provided in the below certifications requesting information on “events occur while attending the PA training program” will help the Board verify the applicant’s responses (on any disciplinary history taken by the PA training program as noted above) on the licensure application are accurate and allow further follow-up and investigation on any disclosures provided by the PA training program in the certification. This would include contact information of the authorized representative of the PA training program signing the certification, which would allow specified contact information for a more effective investigation of the applicant’s background and possible grounds for denial as specified in BPC section 3519.

In the Board’s experience, outlining the process, step-by-step, from the request to receipt of an acceptable certification and the delivery methods to the Board as set forth in subparagraphs (A), (B) and (D) should help avoid errors and application deficiencies in meeting this requirement. That step-by-step process would include the following:

- (A) A signed written statement that the applicant provides to their PA training program that includes:

(i) The applicant's full legal name ((Last Name) (First Name) (Middle Name) and optional (Suffix)) and any aliases ((Last Name) (First Name) (Middle Name) and optional (Suffix)) previously and currently used including maiden names,

(ii) The applicant's telephone number,

(iii) The applicant's mailing address,

(iv) The applicant's email address; and,

(v) A written statement requesting that the PA training program provide a completed, acceptable certification directly to the Board by mail or email as specified in subparagraph (D).

(B) Completion by the PA program of an acceptable that shall include:

(i) The applicant's name as shown on the degree,

(ii) The name of the PA training program,

(iii) The title of the degree awarded to the applicant by the program,

(iv) The applicant's PA training program attendance dates showing the start and end dates in the following format: PA Program Start Date (mm) (dd) (yyyy), PA Program End Date (mm) (dd) (yyyy),

(v) A disclosure regarding whether the applicant had any of the following events occur while attending the PA training program:

(aa) was placed on a leave of absence for disciplinary reasons,

(bb) was disciplined, under investigation, or placed on disciplinary probation,

(cc) had any incident reports regarding the applicant ever filed by instructors,

(dd) had any limitations or special requirements imposed on the applicant for disciplinary reasons; and,

(ee) if there is an affirmative response regarding the occurrence of any event specified in subparagraphs (aa)-(dd), the PA training program shall provide a written explanation of the particular event(s) that includes the date(s), specific allegations involved, and outcome of the applicable event(s).

(vi) The name, title, physical address, telephone number and email address of the authorized representative of the PA training program signing the certification,

(vii) A statement, signed and dated by an authorized representative of the PA training program, stating that they hereby certify under penalty of perjury under the laws of the State of California that the information provided in this certification and any accompanying attachments is true and correct; and,

(viii) The seal of the PA training program, if one is used by the PA training program; and,

(D) An acceptable certification sent to the Board by the PA training program by mail to the attention of the Board's Licensing Unit at the Board's office address listed on the Board's website, or electronically scanned and emailed to the Board directly by the PA training program to [paboard@dca.ca.gov](mailto:paboard@dca.ca.gov).

Further, in the Board’s experience, these requirements are reliable indicators of graduation, and the above process allows the Board sufficient information to confirm the applicant’s graduation as required by BPC section 3519 and investigate any compliance issues.

With respect to the statement signed and dated by an authorized representative of the PA training program requirement in paragraph (vii) of Subparagraph (13)(B), these amendments are necessary to comply with Code of Civil Procedure section 2015.5, which requires the certification to include “under the laws of the State of California” (when intended for use anywhere in or outside of California) and “signed and dated” by the declarant. The Board relies upon the PA training program’s’ reported information in evaluating applications. This requirement helps ensure that the representations on are accurate, truthful and made in good faith. These amendments also help ensure that the Board can prosecute any potential perjury cases using legally admissible certifications.

In proposed subparagraph (13)(C), to avoid applicant confusion, the Board proposes to define in the application what “approved physician assistant training program” or “PA training program” means, which is a training program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA). This is the only accrediting body that is recognized by the Council for Higher Education Accreditation (CHEA) to approve physician assistant training programs. Consistent with that standard, the Board proposes to specify this approving agency in this paragraph in this subdivision.

**CCR section 1399.506 – Subdivision (a), paragraph (14), Furnishing of Fingerprints to the Board, as specified:**

Purpose: As part of the completed application requirements, subdivision (a), paragraph (14) would require the applicant to furnish fingerprints to the Board in compliance with subsection (d) to permit the Board to conduct a criminal history record check through the California Department of Justice (DOJ). The process for applicants to obtain the fingerprints and send them to the Board is described in proposed section (d).

Rationale: Obtaining fingerprints is a necessary condition of criminal background checks for applicants and primarily needed to verify an applicant does not have a substantially related and disqualifying conviction per BPC section 480. The proposed regulations would allow Board staff to include the criminal background check as part of its investigation of an applicant’s qualifications in every case and specify compliance with existing DOJ requirements for submission of fingerprints (as further specified in subdivision (d) is a requirement for completing their application for the Board.

**CCR section 1399.506 – Subdivision (a), paragraph (15), Requirement for Applicant’s Submission of Signed and Dated Written Statement that they have read the Board’s “Notice of Collection of Personal Information”, as specified:**

Purpose: Civil Code section 1798.17 requires each state agency to provide on or with any form used to collect personal information from individuals the notice specified in that section. Beginning with the header “Information Collection and Access” in paragraph (15), the proposal would include the required notices and disclosures to the applicant for the Board’s collection of personal information in compliance with Civil Code section 1798.17 whenever an electronic application is submitted through the Board’s online services system (BreEZe). To ensure that the applicant receives effective notice of the Board’s personal information collection practices, the proposal includes a requirement that the applicant submit a written statement, signed and dated by the applicant, that they have read the notice as specified.

It would further require that the notice be submitted to the applicant through the online services system prior to requiring any submission of the signed statement of acknowledgement that they have read the notice to ensure that applicants receive advance notice and can make an informed decision about proceeding with the application process prior to signing the statement.

This subdivision also provides notice of the sharing of taxpayer information with the Board by the California Department of Tax and Fee Administration (CDTFA) and the Franchise Tax Board (FTB) and the consequences of not paying their taxes if their name appears on the CDTFA or FTB certified list of 500 largest tax delinquencies.

Rationale: The Board considers submission of the application required by this section to be the equivalent of an “electronic application form.” As a result, the Board has prepared notices of the Board’s personal information collection practices in compliance with Civil Code section 1798.17. The Notice contains the following disclosures:

All items in this application are mandatory; none are voluntary.

Failure to provide any of the requested information will delay the processing of your application and will result in the application being rejected as incomplete.

The information provided will be used to determine your eligibility for licensure per Sections 3509 and 3519 of the California Business and Professions Code (BPC) and Title 16, California Code of Regulations section 1399.506, which authorizes the collection of this information.

This statement is necessary to provide notice to the applicant that all items requested on the application must be submitted to the Board or processing will be delayed, and the application will be rejected as incomplete. The notice instructs the applicant that the information requested is mandatory and none are voluntary. This helps to ensure the applicant completes the application, resulting in fewer processing delays. This information is also required to be provided to affected individuals in accordance with Civil Code section 1798.17, subdivisions (a), (c), (d), and (e).

In addition, the Notice contains information regarding when information may be

disclosed or transferred to other governmental or law enforcement agencies, the right of an applicant to review their application and their files and related limitations on that access by law, disclosure of instances where information on the application may be disclosed to a member of the public including California Public Records Act requests, court order, subpoena or search warrant (with the exception of SSN or ITIN), and information regarding the Board official responsible for maintaining the information (Executive Officer) and related contact information.

These statements are necessary to notify the applicant that the information they provide may be provided to other governmental agencies and the circumstances under which disclosures may be made. These statements are also necessary to comply with the Section 1798.17 of the Civil Code which requires the Board to notify the applicant of the uses of their personal information, as well as provide other disclosures in accordance with Civil Code section 1798.17, subdivisions (b), (f), (g) and (h).

The Board includes the taxpayer notification requirements in the application as mandated by BPC sections 31 and 494.5 and to ensure applicants have advance notice of the potential adverse consequences of not paying state tax obligations on their application or license.

**CCR section 1399.506 – Subdivision (a), paragraph (16), Requirement for Applicant’s Submission of Signed Statement Under Penalty of Perjury Certifying That the Applicant Has Read the Questions in the Application and that All Information Provided is True and Correct:**

Purpose: As part of the completed application requirements, under proposed subdivision (a)(16), this proposal would require applicants to provide a signed and dated statement certifying under penalty of perjury under the laws of the State of California that the applicant has read the questions in the application and that all information provided is true and correct.

Rationale: The imposition of the subdivision (a), paragraph (16) requirement that the applicant provide a signed and dated statement under penalty of perjury as noted above is necessary to ensure that applicants provide accurate information. As a part of the Board’s consumer protection mandate and for the benefit of all members of the public and licensees, the Board does not want to provide licenses to applicants who do not qualify for the license. The Board relies upon applicants’ self-reported information in evaluating applications or other forms submitted for processing by the Board. This requirement helps ensure that the representations on the form are accurate, truthful and made in good faith. As noted previously, these requirements are necessary to conform the Board’s certification statement to the requirements in Code of Civil Procedure section 2015.5. In addition, the certification under penalty of perjury helps ensure the reliability of the statements to the Board (since certifying under penalty of perjury can have a deterrent effect on those who may be considering not providing true, accurate, or complete information), and provides the Board with the option of seeking sanctions and referring the matter to law enforcement in the event that such information is not true, complete, or accurate. [“The oath or declaration must be in such form that criminal sanctions of perjury might apply where material facts so

declared to be true, are in fact not true or are not known to be true.” *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [holding modified by *Laborde v. Aronson* (2001) 92 Cal.App.4th 459].

**CCR section 1399.506 – Subdivision (b) and paragraphs (1) through (4) Definitions for “Required Fees”, and “Submit a completed application to the Board”, and associated application submission requirements for BreZE:**

Purpose: Subdivision (b), paragraphs (1) and (2) define the term “required fees” used in the first paragraph of subdivision (a) to be the license application fee and the initial license fee as set forth in 16 CCR section 1399.550, with no additional charges for those submitting a Live Scan Service form, and an additional charge of \$49.00 for those submitting two classifiable sets of finger print cards, to cover the Board’s cost to obtain a Live Scan report on the applicant. Any applicant who qualifies and provides the documentation specified in subsection (c) will have their application and initial license fees waived.

Rationale: BPC section 3521.2 authorizes the Board to charge an application fee, and cross-references to CCR section 1399.550 to specify, and provide notice to applicants, of the amounts required for submission of a completed application. Further, by using the phrase “required fees,” the Board is ensuring it will not need to amend this subdivision if the Board changes the license application fee or the initial license fee both of which are set out in 16 CCR section 1399.550.

BPC section 144 authorizes the Board to require applicants to provide a full set of fingerprints for the purposes of conducting a criminal history background check. Under current DOJ processes, fees for fingerprints are done either through the DOJ’s electronic fingerprinting process known as “Live Scan” (with fees submitted directly to the Live Scan operator) or by submission of two (2) distinct fingerprint cards (with the cards and fees for fingerprint submission submitted directly to this Board) (see Underlying Data). This regulation is therefore, necessary for the Board to specify the required fees associated with processing applications using either fingerprint submission process (the process are also further specified in subsection (d)(1) and (2)).

This language in subsections (b)(1) and (2) is also needed to further resolve ambiguities to references in subdivision (a) to “required fees”, and (a)(14) fingerprinting requirements are part of the licensure application process. Stating clearly in this subdivision that as a part of providing the required fees an applicant must provide a full set of fingerprints and the current \$49.00 fee required by the Board to process fingerprint cards will provide notice and reduce confusion for applicants. BPC section 3519 requires the Board to issue a license to applicants that meet the qualifications set out in that statute. The Board needs the criminal background check information that can be obtained from fingerprints or a Live Scan inquiry to be able to determine if an applicant meets the statutory qualifications or whether grounds for denial exist.

In addition, BPC section 115.5 requires waiver of the application and initial license fees for certain applicants, if specified documentation is provided. This proposal is necessary to add the qualifier that if the requirements for fee waiver are met in subsection (c) (where

qualifying documentation is specified), the Board will waive the application and initial license fees to comply with BPC section's 115.5's mandate. The proposed addition of the language subdivision (b), paragraphs (1) and (2) will increase clarity and transparency as to the fees an applicant must submit or be exempted from as part of the application for an initial PA license.

*Adopt Process for Submission of a completed application to the Board in paragraph (3)*

Purpose: This proposal adopts a new subsection (b)(3) and (4) and establishes a definition and requirements for how an applicant would “submit a completed application to the Board”, and if applicable, the initial application and initial license fee required by subsection (b) (“required fees”). These proposed changes were made to implement the Board’s online, electronic applications and licensing system (“BreEZe”) for all licensing applications that include electronic submission of data, payment, filing, and signature requirements not included in the Board’s existing regulations.

Applications would be required to be submitted according to the following requirements:

For the purposes of subsection (a) “submit a completed application to the Board” means to transmit an application containing all applicable information required by subsection (a) and, if applicable, the application and initial license fee required by subsection (b) (“required fees”) electronically through a web link to the Department of Consumer Affairs’ online licensing system entitled “BreEZe” (“online services system”) located on the Board’s website in accordance with paragraph (4) unless another method of transmission is provided in subsection (a).

Rationale: These proposed provisions are necessary to ensure clear notice to the applicants of the acceptable method of submission of the Board’s initial license application (including the online submission requirements or as “otherwise specified in subsection (a)” (exceptions for transmission are specified at paragraphs (11), (12), (13) and (14) of subsection (a)), and the associated “required fees” specified in subsection (b) and where or how to file their applications and pay their fee (unless they qualify for a waiver of the initial license fee per BPC section 115.5 as noted above). These changes are therefore necessary to notify and inform applicants of these requirements and cross-referencing the specific steps needed to use that BreEZe system accessed electronically through a web link to the Department of Consumer Affairs’ online licensing system entitled “BreEZe” (online services system); this is a process discussed in more detail below for the rationale for the addition of a new subparagraph (4).

Electronic Submission -- BreEZe online services system

Existing requirements do not provide an option for submitting an application electronically. These regulations would formally implement that process for initial entry into the profession. The Board has worked with the Department of Consumer Affairs (DCA) to create an online services system to allow electronic filing of applications via the BreEZe weblink on the Board’s website.

As further explained below, the online system is necessary for the most efficient and secure method of collecting and transmitting this data electronically. The data is collected in an online format inside the BreEZe website platform and submitted data is only viewable by the individual who submitted the data and Board employees who are accessing the submitted data on the Department of Consumer Affairs' (DCA's) secure network. The measures DCA, which provides general IT services to the Board, takes to protect personal identifying information stored on its networks include:

- Data loss prevention software to detect sensitive data and confidential information and keep it from leaking outside DCA through email.
- Extended detection and response tools to block advanced malware, exploits, and ransomware attacks.
- Functional, security, accessibility, and performance testing of the software applications.

These requirements are necessary to ensure data integrity and security of information for applicants and effectively meet the needs of the Board and users.

*Adopt Paragraph (4) to specify the electronic submission process and associated requirements*

Purpose: This proposal adopts a new subsection (b)(4) and establishes the requirement that applications shall be submitted electronically through the online services system according to requirements specified in subparagraphs (A)-(E). Applications submitted electronically would be required to be completed according to specified requirements, including:

(A) The applicant shall first login to or register for a user account by typing in a username and password on the initial registration or public sign-in page to access the online services system.

(B) After a user account has been created and the online services system accessed online, an applicant shall submit all of the information required by subsection (a) through the online services system unless otherwise specified in this section.

(C) Electronic signature. When a signature is required by the particular instructions of any filing to be made through the online services system, including any attestation under penalty of perjury, the applicant shall affix their electronic signature to the filing by typing their name in the appropriate field and submitting the filing via the Board's online services system. Submission of a filing in this manner shall constitute evidence of legal signature by any individual whose name is typed on the filing.

(D) Except as otherwise specified in paragraphs (11), (12), (13) and (14) of subsection (a), any documents required to be submitted by the applicant as part of the application set forth in subsection (a) shall be uploaded as an electronic file attachment through the online services system using one of the following file formats: .txt, .csv, .gif, .bmp, .tif, .tiff, .pdf, .doc, .docx, .rtf, .jpg, .jpeg, .jpe, .xls, .xlsx, .msg, .xps, .docm, .htm, .html, .wpd,

.wps, .odt, .png, .wma, .wav, or .mp3.

(E) Required fees shall be paid by credit (Visa, Mastercard, or Discover) or debit card through the online services system and paid in full to the Physician Assistant Board. The applicant shall be required to pay any associated processing or convenience fees to the third-party vendor processing the payment on behalf of the Board and such fees will be itemized and disclosed to the applicant prior to initiating payment through the online services system.

Rationale: The proposed language adds several conditions at subparagraphs (A)-(E) that are necessary to establish the electronic applications process for completing and electronically submitting an application, as follows.

*Login or Register for a User Account (subparagraphs (A) and (B))*

The first condition is that specified information be submitted electronically through a through the online services system beginning with accessing the initial registration or sign-in page on the Board's website. This is necessary to inform applicants that the submission process begins by going to the Board's website and sign-in pages to start the registration process for BreZE. The next step in that process is that an applicant sets up an account with the Board via the DCA's BreZE platform and creates a username and password unless they are already have one, in which case, they would simply log in to their account. As explained above, security of information is key to protecting the integrity of the application process when using an electronic transmission method. When setting up a secured account, it is standard to have the user create a username and password to make sure unauthorized persons cannot access the account. This allows the Board to hold the applicant responsible for any information submitted through the platform and liable for any consequences.

These subparagraphs were added to provide clear guidance and instructions for applicants who wish to submit their applications electronically. By establishing a new subdivision with these subparagraphs and expanding on specific submission requirements, this proposal aims to simplify the registration process and ensure that all applicants can easily access and utilize the platform. The registration requirements included in this section will help to streamline the process and ensure that applicants provide a completed and accurate application to the Board for processing when submitting applications electronically.

*Electronic Signature Requirement (subparagraph (C))*

This subparagraph would require an electronic signature as specified. To ensure authenticity and compliance with legal signature requirements, the Board requires an electronic signature for any filing made through the online services system. This includes attestation under penalty of perjury (see proposed subsection (a)(16)). To file, an applicant must affix their electronic signature by typing their name in the appropriate field and submit the filing via the Board's online services system. By doing so, the Board can verify that the individual has reviewed and approved the filing. Moreover, the electronic submission serves as evidence of a legal signature by any individual whose name is typed on the filing.

This can be used to verify the authenticity of the filing in the event of any legal disputes or investigations. Further, this electronic application submission process requires access to the online services system to submit the required information and the uploading of any electronic document required to be submitted per subsection (b)(4)(D) (and related document submission exceptions in that paragraph), and therefore must rely on an electronic signature to authenticate the information submitted.

Electronic signatures are authorized under California Government Code section 16.5. The proposed language sets out the process for the submission of an initial application for PA licensure and therefore, the typical certification that has been done traditionally using a “wet” signature is now being done through an electronic signature, using the signature of the applicant, as specified. Under subdivision (a) of Civil Code section 1633.9 of the Uniform Electronic Transaction Act (UETA --Civil Code sections 1633.1-1633.17):

“An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.”

This standard is met here since the security procedures established in subparagraphs (A) and (B) above, including the establishment of a username and password, provides a security procedure to assure that only the identified individual could submit an application. As the submission of an application requires a legally valid signature, the process of submitting an application via the Board’s online services system requires that this be met using an electronic signature.

The purpose of this section is to inform applicants submitting their of the signature requirement, to reaffirm that the signature is required by this filing, and then to explain that the requirement is met if the applicant types their name into the appropriate field and then submits the application via the online services system. The process outlined here for signing the document is also a widely used and recognized method for signing a document electronically and therefore would be easy for the applicant to understand and use.

For the certification under penalty of perjury, the Board relies upon applicants’ self-reported information in evaluating applications or other forms submitted for processing by the Board. This requirement helps ensure that the representations on the application are accurate, truthful and made in good faith. In addition, the certification under penalty of perjury helps ensure the reliability of the statements to the Board (since certifying under penalty of perjury can have a deterrent effect on those who may be considering not providing true, accurate or complete information), and provides the Board with the option of seeking sanctions and referring the matter to law enforcement in the event that such information is not true, complete or accurate. [“The oath or declaration must be in such form that criminal sanctions of perjury might apply where material facts so declared to be true, are in fact not true or are not known to be true.” In *re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [holding modified by *Laborde v. Aronson* (2001) 92 Cal.App.4th 459.]

The statement that “submission of a filing in this manner shall constitute evidence of legal

signature by any individual whose name is typed on the filing,” is needed to provide notice of the legal effect of signing the document electronically, in accordance with UETA and section 1633.7 of the Civil Code, which states that: “(a) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form,” and “(d) If a law requires a signature, an electronic signature satisfies the law...”

*Required format for those documents submitted through the online services system (subparagraph D)*

This proposal is necessary to specify the application compliance requirements for submission of documents through the online services system as an attachment in the formats specified in this subparagraph. Scanning and electronically uploading the documents in these formats and attached to the application through a web link to BreEZe on the Board’s website helps streamline the application process and makes it more efficient. This digital approach removes the need for physical copies and enables the Board to retain the information in a readily retrievable and accessible form. Finally, these formats are common and widely available and therefore should be easy for applicants to use to meet the Board’s compliance requirements.

The Board includes the words “Except as otherwise specified in paragraphs (11)(Self-Query Report), (12)(PANCE exam scores), (13)(PA training program certifications) and (14)(fingerprints) of subsection (a),” to avoid confusion for applicants regarding submission of other required items outside of the online services system. Since the system does not currently accept submission of these items under the control of outside parties (over which the Board has no regulatory control) through the system, it is necessary to exclude them as part of the BreEZe online electronic application submission process.

*Only specified credit cards accepted (Visa, Mastercard, or Discover) for payment of the initial application fee and notice that the applicant will pay the convenience fee for using a credit card to pay the application fee (subparagraph (E))*

A Master Service Agreement (MSA) from the Department of General Services (DGS), State of California, is a comprehensive contract that establishes the terms and conditions governing the provision of services between the state and a service provider. MSAs are authorized by Government Code section 6162, which provides, in part, the following:

(a) Except as provided in Section 6159, the Director of General Services, or his or her designee, may negotiate and enter into any contracts necessary to implement or facilitate the acceptance of credit cards or other payment devices by state agencies. The authority granted to the director pursuant to this section shall include the discretion to negotiate and agree to specific terms applicable to each state agency, including, but not limited to, the terms regarding any payment of fees to third parties for the acceptance of credit cards or other payment devices, types of payments, any limitations on amounts and limits of liabilities that would be eligible for payment by credit card or other payment device, and operational requirements. . .

The Board is currently authorized to accept payments by credit card (Visa, Mastercard, or

Discover) or debit card pursuant to contract authorized per an MSA executed and approved by the Director of the Department of General Services, which includes payments of convenience fees to third parties who process credit card payments from these credit card companies. While the Board believes such state procurement processes, including the associated convenience fee set by contract, are exempt from rulemaking under Government Code section 14615.1, the Board believes this proposal is necessary to provide notice to the applicants that the credit card convenience fee charged by the credit card companies would now be paid directly by the applicant whenever BreZE is used to submit a credit card for payment of the application. This amount would be itemized separately from the application fee in accordance with the current contract (see Underlying Data -- convenience fees are listed as “separate charge from the transaction amount”); itemization also ensures that the applicant is informed of the added cost prior to it being charged. This proposal is similar to a regulation adopted by the Department of Cannabis Control (formerly “Bureau of Cannabis Control” in DCA at 4 CCR § 15015).

The Board has approved moving this cost to those who elect to use the online services system to help lessen rising costs for the Board’s Physician Assistant Fund, the fund from which all revenues are deposited, and costs are paid. This helps ensure that those who benefit from the service pay for it and helps avoid fee increases in the future for the general licensing population.

**CCR section 1399.506 – Subdivision (c), paragraphs (1), (2), and (3), Required Documentation for Waiver of the Application and Initial License Fees for Applicants Qualifying under (a)(9) (Spouse or Domestic Partner of Active Duty U.S. Armed Forces Member Assigned to a Duty Station in California with Comparable License from Another State, District or Territory):**

Purpose: Subdivision (c), paragraphs (1), (2), and (3) state that the Board will waive the application and initial license fees specified in subsection (b) for an applicant qualifying pursuant to paragraph (9) of subsection (a) and submits satisfactory documentary evidence as specified in paragraphs (1), (2) and (3). The specified documentation in these paragraphs to support the waiver includes: (1) a certificate of marriage or certified declaration/registration of domestic partnership filed with the Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces; (2) and, (2) a copy of the military orders establishing their spouse or partner’s duty station in California; and (3) a copy of the applicant’s current license to practice as a physician assistant in another state, district, or territory of the United States. For consistency across the regulations, these are the same requirements to qualify for the expedited review of the application in subsection (a)(9).

Rationale: BPC section 115.5 requires the Board to waive the initial license and application fees for an applicant that meets the requirements of that section and submits satisfactory evidence to the Board. The added language in subdivision (c), paragraphs (1), (2) and (3) is necessary to set out what is documentary evidence the Board considers satisfactory to establish that an applicant qualifies for the BPC section 115.5 fee waiver. These documents are necessary to verify and ensure the applicant meets the statutory requirements for expediting the licensure process by requesting official government

documents, licenses and military records to substantiate the information provided to the Board. To date, the Board has not received any other type of evidence in lieu of a certificate of marriage or certified declaration/registration of domestic partnership but includes this possibility of “other documentary evidence” should it be submitted in the future to help ensure that applicants have other options for demonstrating they qualify.

### **CCR section 1399.506 – Subdivision (d), Fingerprinting Requirements**

Purpose: This proposed subsection sets the requirement that all applicants shall have met the fingerprinting requirements of this subsection prior to issuance of a license to practice as a physician assistant and, further outlines the process for an applicant to have fingerprints taken and submitted to the Board. It covers the requirements for using the Live Scan process administered by the California Department of Justice in subsection (d)(1), steps for in-state applicants in subsection (d)(2), the steps for out-of-state applicants in subsection (d)(3) and the resubmission process if the first fingerprint card or Live Scan fingerprints are rejected in subsection (d)(4).

Rationale: BPC section 144 authorizes the Board to require all applicants to furnish a full set of fingerprints for the purposes of conducting criminal history record checks. It further authorizes the Board to obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

However, Section 144 does not specify how fingerprints need to be submitted or what process the applicant needs to follow to ensure that a “full set of fingerprints” is submitted to the Board according to California Department of Justice’s requirements. This proposal is necessary to specify those processes and procedures to allow the applicant to successfully submit their fingerprints and meet this eligibility requirement when requested by the Board in accordance with BPC section 144. The Board also proposes to add this subsection to facilitate a criminal background investigation to help ensure that applicants have not committed any crimes or acts that would be grounds for denial of the license to practice as a physician assistant.

#### *Adopt Subsection (d)(1) – Live Scan requirement*

Purpose: The proposed subsection notifies applicants that the fingerprints requested by the Board are to be taken using the Live Scan service, unless the applicant resides out of state and cannot use the Live Scan service, as noted in proposed paragraph (3) of this subsection. Applicants residing in California will have to use the Live Scan service as described in subsection (d)(2).

Rationale: This change is necessary to specify the requirements by the Department of Justice for processing requests for criminal background checks as provided in BPC section 144 as they relate to Board applicants for licensure as a physician assistant. Live Scan is a system for the inkless, electronic submission of fingerprints and the subsequent automated background checks and responses conducted through the California Department of Justice’s (DOJ) database. Applicants living within the State of California and who are required to complete a criminal history background check by a state agency authorized by

law to collect those fingerprints (as the Board is authorized per BPC sections 144) must complete the DOJ’s “Request for Live Scan Service” to comply with this eligibility requirement (see Underlying Data from DOJ’s website guidance document entitled “Fingerprint Background Checks”). The Board does not incorporate the DOJ’s form by reference in this regulation as it is not a form that is created by this Board and for which the Board would be able to provide the rationale for each requirement on the form or make any changes to the form in response to public comment it might receive on the contents of the form (see similar approach taken at Cal. Code Regs., tit. 10, § 2034.5 and tit. 16, § 1006). Applicants residing outside of California who cannot be fingerprinted electronically as described in subsection (e)(3) would be excepted from this requirement.

This Live Scan process does not exist in regulation as it applies to the Board’s applicants for licensure to practice as a physician assistant and the Board receives many questions from applicants, particularly out-of-state residents, on the process and procedures for submitting fingerprints for this Board. This proposal would add such detail to give applicants specific directions for completing this application requirement in accordance with DOJ requirements.

*Adopt subsection (d)(2) – Live Scan process for providing fingerprints*

Purpose: The proposed subsection requires applicants to take a completed Live Scan form to a location that offers the service. The applicant will have to pay all fees charged by the location, including the fees paid to the California Department of Justice, the Federal Bureau of Investigation, and any rolling fee. The subsection also provides a weblink for applicants to check for more information regarding the Department of Justice’s fingerprint background check requirements, Live Scan locations and current fee information.

Rationale: Consistent with the requirements of the DOJ, the Board proposes to add this subsection to provide applicants the information they need to obtain fingerprints from a Live Scan location and provide them to the Board, which includes payment of the fingerprint processing fees through the Live Scan system at an approved Live Scan location (see Underlying Data “Fingerprint Background Checks”). The Board specifies that the applicant will generally be required to pay all processing fees payable to the Live Scan operator, including the “rolling fee” for fingerprint rolling and the DOJ. This requirement is necessary to require applicants to pay whatever fee is required by the Live Scan Operator (which can vary depending on whether offered by a private business or local law enforcement or school district) and the DOJ and to allow for changes in the fees set by the California Attorney General’s Office (the fee is currently \$49). To ensure that applicants check with the DOJ for the most recent information regarding fingerprint background requirements and Live Scan locations, the Board directs applicants to visit the DOJ’s website at: <https://oag.ca.gov/fingerprints>.

*Adopt Subsection (d)(3) – Process for providing fingerprints for out-of-state applicants*

Purpose: The proposed subsection describes how applicants from outside of California who cannot be fingerprinted electronically through the Live Scan service must comply with the fingerprinting requirements. Out-of-state applicants will need to have their fingerprints taken

at a law enforcement agency in their state of residence using fingerprint cards and submit two fingerprint cards to the Board, along with a payment for the fees charged by the California Department of Justice and the Federal Bureau of Investigation (FBI) specified in subsection (b)(2). The payment method would be required to be made either by personal check drawn on a U.S. bank, money order or certified check, payable to the “Physician Assistant Board”. The subsection provides the Board’s address where fingerprint cards need to be sent so that the Board may process the fingerprints manually through the DOJ.

Rationale: The Board proposes this subsection to provide out-of-state applicants the information they need to have fingerprints taken and submitted to the Board in compliance with the current requirements for submission of fingerprints for applicants that cannot be fingerprinted electronically through Live Scan. The Board lacks the authority to waive the fingerprint requirements and fees to be paid to it directly to meet the DOJ fingerprint processing requirements for this type of applicant (See Underlying Data from the DOJ Website entitled “Applicant Agencies”). To ensure that applicants meet all requirements in a form of payment accepted by the Board, the Board specifies how payment needs to be addressed (by check, money order or certified check made out to the Board) and where to send the payment.

#### *Adopt Subsection (d)(4) – Resubmission Process*

Purpose: This proposed subsection would specify how and when an applicant’s fingerprints would be rejected and the Board’s current process for resubmitting fingerprints, either by way of Live Scan processes as outlined in the Board’s written rejection notice or, if through hard card by submission of their second fingerprint card using the processes outlined in paragraphs (1), (2) or (3), as applicable, of this subsection.

Rationale: Occasionally, applicants will submit fingerprints through either the Live Scan or hard card processes established by the DOJ and they are rejected due to poor print quality (see Underlying Data from DOJ’s website guidance document entitled “Fingerprint Background Checks”). This subsection is necessary to specify that the resubmission process is considered part of the requirements for “furnishing” fingerprints to ensure that the Board can successfully conduct a criminal background search of the applicant through the DOJ’s and FBI’s respective databases. This process includes notice of the rejection of the applicant’s fingerprints and resubmission of the fingerprints either via the hard card method for applicants outlined in paragraph (3) or via Live Scan as specified in the Board’s rejection notice and resubmission via the Live Scan processes outlined in paragraphs (1) and (2).

#### **CCR section 1399.506 – Add Subdivision (e) Abandonment Provisions**

Purpose: Subdivision (e) states that applications missing any of the requested information or documentation or not accompanied by the applicable fees will be rejected as incomplete. Applications that are not completed within one year from the date of written notice from the Board of any deficiencies shall be considered abandoned. An applicant who abandons an application must submit a new application meeting the requirements of this section to be considered for licensure as a physician assistant by the Board.

Rationale: Subdivision (e) is necessary to put applicants on notice that the Board will reject any applications lacking the applicable fees or requested information or documentation. By clearly stating what will result in an application being rejected and requiring an applicant who abandons their application to submit a new application as specified, the Board hopes to reduce the number of applications received that lack the applicable fees, required information or documentation. This subdivision is also necessary to require the submission of a new application when an application has been abandoned and sets what the Board, in its experience, believes is a reasonable amount of time to address deficiencies (within one year from the date of written notice from the Board of any deficiencies) before being deemed abandoned. This standard is also consistent with other departmental agencies' legal requirements. BPC section 142(b) provides that for bureaus and programs under the direct authority of the Director in this Department: "[n]otwithstanding any other provision of law, the abandonment date for an application that has been returned to the applicant as incomplete shall be 12 months from the date of returning the application."

### **Amend Section 1399.507 – Examination Required**

Purpose: The Board is proposing to add the acronym "NCCPA" as a short form reference for the National Commission on Certification of Physician Assistants for ease of reference for this regulation. The Board proposes to strike the word "board" and instead add the acronym "NCCPA" in the second sentence of the existing regulation and spell out the NCCPA's examination entitled "Physician Assistant National Certifying Examination" (PANCE). The Board is also proposing to correct grammar by changing the word "have" to "has" for proper verb-noun agreement with the singular "applicant," and, to delete the words "his or her" and replace them with "their."

Rationale: BPC section 3517 had previously provided in part: "The Board shall, however, establish a passing score for each examination" and "The time and place of examinations shall be fixed by the board." The current PA examination (PANCE) is administered by a private organization – the National Commission on Certification of Physician Assistants (NCCPA) – who sets the score for that examination. BPC section 3517 was amended with the passage of SB 806 (Roth, Chapter 649, Statutes of 2021) which removed the provisions quoted above, thereby removing the requirement that the Board establish a passing score for the examination and fix the time and place of the examination. This amendment is necessary to ensure accuracy and notice to applicants regarding this examination and make the regulation consistent with BPC section 3517 by removing the words "established by the board" and instead replacing it with "NCCPA." For better notice to the applicants regarding which NCCPA examination they would be required to successfully complete, the Board adds the specific title of the examination "Physician Assistant National Certifying Examination" and for ease of reference, the well-known acronym for this examination in the regulated community: "PANCE."

The proposal also seeks to remove gender-specific language and replaces it with gender-neutral language pursuant to [Assembly Concurrent Resolution No. 260 of 2018](#) (ACR 260), wherein the legislature urged state agencies to use gender neutral pronouns and avoid the use of gendered pronouns in drafting regulations.

## **Amend Section 1399.511 – Notice of Change of Address – Amend Title**

Purpose: The Board is proposing changing the title of this section from “Notice of Change of Address” to “Address of Record and Notification of Changes to Addresses.”

Rationale: Revising the title is necessary to better notify applicants of the requirements and will benefit applicants by providing a more informative title than “Address of Record.” The purpose is to provide greater clarity and notice to interested persons that the Board must be kept apprised of any change of address.

## **Amend Section 1399.511 – Adopt Subdivision (a) Applicant Address Requirements**

Purpose: The Board proposes adding subdivision (a) to require every applicant submitting an application in accordance with Section 1399.506 to have an address of record, which will be used as their mailing address, and if they are issued a license, will be posted on the Board’s website. Language is added stating that “at the applicant’s choice,” an address of record may be a post office box, physical business address, or residential address. The applicant will also be required to provide the Board with a residential address as required by Section 1399.506 that shall not be posted on the Board’s website.

Rationale: Adding subdivision (a) is necessary to clarify for applicants that they must have an address of record, which will be provided to the Board in accordance with the application specified in CCR section 1399.506, and that if an applicant obtains a license, their address of record will be posted on the Board’s website and therefore be available to the public. The Board wishes to make clear in this proposal the public nature of the address of record an applicant provides to the Board, which is consistent with the California Public Records Act (CPRA) (Gov. Code, § 7922.5300 and the California Information Practices Act (IPA) (Civ. Code, § 1798.61(a)); see also, *Lorig v. Medical Board* (2000) 78 Cal.App.4th 462 [physicians' addresses of record were not exempt from public disclosure under CPRA; and, (2) IPA did not prohibit public disclosure of physicians' addresses of record].

For applicants who provide a post office box as their address of record, it is necessary for the Board to have a residential address because if the Board needs to serve an applicant or licensee with legal process (e.g., a subpoena which is required by law to be served personally – see Gov. Code, § 11450.20 incorporating Code Civ. Proc., § 1987), a post office box address will not suffice. This is consistent with other state policy in this area at BPC section 27, which requires posting of such information on the websites of other agencies in this Department. However, to avoid confusion and provide notice of the Board’s consideration of the privacy rights of applicants who do elect to use a post office box or other address as their address of record, the Board specifies that the provision of the residential address shall not be posted on the Board’s website.

## **Amend Section 1399.511 – Repeal Subdivision (b) and Renumber and Amend existing (a) as Subdivision (b) Regarding Notice of Changes of Addresses**

Purpose: The Board proposes relabeling the text from existing CCR section

1399.511, subdivision (a) to become subdivision (b), deleting existing subdivision (b), removing a reference to approved programs, and revising language for better grammar and clarity. In addition, the Board proposes to add requirements for “every applicant and licensee” to specifically notify the Board of any changes to their residential or email addresses in addition to the existing requirement to notify the Board of changes to their mailing address, within 30 days after each change. The notice would include their name, license number (if any), along with the existing requirement to give both the old and new address(es). The applicant or licensee’s notice would be required to be provided to the Board in writing by mail or email using the applicable address listed on the Board’s website or online through the Board’s online services system specified in Section 1399.506.

Rationale: Proposed amendments are needed to consolidate all notice of address change requirements in one subsection. Since existing subsection (b)’s requirements would be superseded by the changes proposed in new subsection (a) and the renumbered (b), the Board proposes to delete the existing subsection (b) as unnecessary.

The proposed amendments to existing subsection (a) (renumbered as subsection (b)), which eliminate the reference to approved programs, are necessary to align the regulation with BPC section 3513, which requires the Board to recognize the approval of PA training programs by a national accrediting organization and proposed changes to CCR 1399.506. As a result, this proposal would revise this section to make it only applicable to individuals. Minor changes, such as substituting the phrase “every applicant and licensee” for the term “person”, striking “and all” and “of” (to be replaced with “to their”), are made for better organization, grammar and ease of understanding and notice to the users. The Board would capitalize the “b” in Board for consistency with CCR section 1399.502.

New requirements for applicants or licensees to notify the Board of changes to the applicant’s or licensee’s residential or email addresses with the Board are necessary and essential for the Board to communicate with an applicant regarding any issues that arise during the processing of the application, and in connection with possible later communications with a licensee regarding their license, investigation of complaints, and/or issuance of a citation. BPC section 3518 also requires, in part:

The board shall keep a current register for licensed PAs, if applicable. The register shall show the name of each licensee, the licensee’s last known address of record, and the date of the licensee’s licensure.

This information is therefore necessary to comply with Section 3518’s mandate once an applicant becomes licensed to keep a “current” register for licensed PAs. In addition, the Board proposes to add an affirmative requirement for applicants to provide their, mailing address, email address and residential address as set forth in proposed amendments to CCR section 1399.506. These amendments are therefore provided to facilitate implementation of, and provide consistency with,

those new application requirements.

Further, to ensure consistent and timely implementation of address changes and receipt of current contact information for its applicants and licensees, the Board proposes to require notification of any changes to residential and email addresses within 30 days of such change, consistent with the existing 30 day-requirement for changes to mailing addresses specified in BPC section 136 and listed in the same sentence of this section. In it's the Board their address changes as proposed in this section. Specifying the content of the notice (name, license number ("if any" since this would be not applicable to applicants) as well as specifying the delivery methods for notice to the Board (in writing by mail or email to the applicable addresses on the Board's website or via the Board's online services system "BreEZe" specified in CCR section 1399.506) are necessary to ensure that the applicant's or licensee's mailing, email or residential addresses are accurately updated in the Board's records and that such notices are timely processed.

**Amend Section 1399.530 – Change title from “General Requirements for an Approved Program” to “National Accrediting Agencies Approved by the Board.”**

Purpose: This proposal amends the title from “General Requirements for an Approved Program” to “National Accrediting Agencies Approved by the Board.”

Rationale: These revisions are necessary to provide greater clarity and notice to interested persons as to the location of the Board's approval standards for national accrediting agencies who accredit PA training programs. Revising the previous title is also necessary to better reflect the content of this section as revised and discussed below.

**Amend Section 1399.530(a) (proposed to be renumbered to (b)): Introductory Sentence**

Purpose: This proposal would renumber this subsection from (a) to (b) to accommodate amendments to this section resulting from the enactment of AB 1501 and for better organization of subjects within this section. This proposal would also strike references to “A program for instruction of physician assistants shall” and replace it with a requirement that if ARC-PA ceases to exist, those educational programs for the training of physician assistants that meet the following requirements shall be deemed an approved program (as referenced in the paragraph that follows this introductory sentence).

Rationale: The Act, effective January 1, 2026 under the provisions of AB 1501, will repeal the Board's authority to directly approve PA Training programs but continue to authorize the Board to recognize the approved national accrediting organization for such programs, as follows:

**SEC. 12.** Section 3509 of the Business and Professions Code is amended to read:

3509. It shall be the duty of the board to:

(a) Establish standards *for*, and issue licenses ~~of approval for programs for the~~

~~education and training of physician assistants~~. to, applicants qualifying for licensure under this chapter as a physician assistant.

**SEC. 13.** Section 3513 of the Business and Professions Code is amended to read:

3513. The board shall recognize the approval of training programs for physician assistants approved by a national accrediting organization. Physician assistant training programs accredited by a national accrediting agency approved by the board shall be deemed approved by the board under this section. ~~If no national accrediting organization is approved by the board, the board may examine and pass upon the qualification of, and may issue certificates of approval for, programs for the education and training of physician assistants that meet board standards.~~

**SEC. 17.**

Section 3521.2 of the Business and Professions Code is repealed.

~~3521.2. The fees to be paid by physician assistant training programs are to be set by the board as follows:~~

~~(a) An application fee not to exceed five hundred dollars (\$500) shall be charged to each applicant seeking program approval by the board.~~

~~(b) An approval fee not to exceed one hundred dollars (\$100) shall be charged to each program upon its approval by the board.~~

Existing regulations specify the accrediting agencies for whom PA training programs will be deemed approved by the Board but also set forth additional requirements for Board approval outside the accreditation process. To implement AB 1501's amendments and to conform the Board's existing regulations to the above-noted changes in the Board's authority, the Board proposes to revise and restructure this section to:

(a) expressly provide that ARC-PA is approved by the Board as the accrediting agency for physician assistant training programs (see renumbered subsection (a) discussed below);

(b) amend this subsection (renumbered to (b)) to add that if ARC-PA ceases to exist, those educational programs for the training of physician assistants that meet the requirements in the next paragraph (referencing educational institutions accredited by an accrediting agency recognized by Council for Higher Education Accreditation ("CHEA") or its successor organization or the U.S. Department of Education, Division of Accreditation (USDOE)) shall be deemed an approved program; and,

(c) repeal existing references to the Board's standards for approving PA training programs that have been superseded by the enactment of these changes to the Board's approval authority per AB 1501.

Since CHEA is a long-standing and an existing recognized accreditor for accrediting agencies in this area, the Board believes that this "fall back" approval process in the unlikely event of an ARC-PA cessation of business would help ensure continuity in the

licensure process and the pipeline of new applicants for PA practice. These changes will also provide notice to applicants regarding what the Board deems an approved PA training program under these circumstances, consistent with the changes made by AB 1501 and as the term is used by the Board in CCR section 1399.506. This would result in less applicant confusion and questions to staff regarding acceptable PA training programs for licensure in the event of an ARC-PA cessation of business.

BPC section 3513's requires that PA training programs approved by the accrediting agency recognized by the Board "shall be deemed approved" by the Board. This concept is repeated here but linked to the specific accrediting agency approved by the Board in order to place the requirements for PA training programs in one location and for better notice and ease of reference by the users.

**Amend Section 1399.530(a)(1) (proposed to be struck and made a paragraph following the introductory sentence in subsection (b), which is renumbered from (a))**

Purpose: Existing subsection (a)(1) provides that one of the requirements for an approved PA training program includes that the education program "shall be" established in educational institutions accredited by an accrediting agency recognized by CHEA or its successor organization or the USDOE. The Board proposes to amend this subsection to strike (1) and the words "shall be" and replace it with "is" so the existing sentence becomes a continuation of the prior sentence in re-lettered subsection (b).

Rationale: As noted in the rationale above, the Board believes that this designation of a "fall back" approval process in the unlikely event of an ARC-PA cessation of business would help ensure continuity in the licensure process and the pipeline of new applicants for PA. However, for this transition to be seamless, there would need to be a current PA training program established in an educational institution accredited by an accrediting agency recognized by CHEA or its successor organization, or USDOE. This minor word change from "shall be" to "is" gives greater notice of the requirement for current accreditation.

**Repeal paragraphs (2)-(6) of existing subsection (a) of Section 1399.530**

Purpose and Rationale: Existing paragraphs (2)-(6) of CCR section 1399.530(a) set minimum standards for Board approval PA educational programs including requirements for:

- (2) development of an evaluation mechanism to determine the effectiveness of its theoretical and clinical program;
- (3) course work carrying academic credit and the ability to enroll students who elect to complete such coursework without academic credits;
- (4) the medical director, as specified;
- (5) a three-month preceptorship for each student, as specified; and

(6) submission of annual report form to the Board regarding its compliance.

As noted above, to implement AB 1501's amendments and to conform the Board's existing regulations to the above-noted changes in the Board's authority, the Board proposes to repeal existing references to the Board's standards for approving PA training programs and revise and restructure this section.

**Amend Section 1399.530(b) (proposed to be renumbered to (a)) and renumber the last sentence to subsection (c) and make further amendments**

Purpose: This proposal would renumber existing subsection (b) to (a) and add a new subsection "(c)" to the existing last sentence, and make other amendments as follows:

For the purposes of Section 3513 of the Code, the Board approves the Accreditation Review Commission on Education for the Physician Assistant ("ARC-PA") as the accrediting agency for physician assistant training programs. Those educational programs accredited by the Accreditation Review Commission on Education for the Physician Assistant ("ARC-PA") shall be deemed approved by the Board ("approved program"). Nothing in this section shall be construed to prohibit the board from disapproving an educational program which does not comply with the requirements of this article. (c) Approval under this section terminates automatically upon termination of an educational program's accreditation by ARC-PA or termination of any educational program's accreditation by an accrediting agency meeting the requirements of subsection (b), as applicable.

Rationale: The Board proposes to renumber this section to the beginning of this section to better reflect the Board's priorities in identifying the nationally accepted and recognized approver of PA training programs in its regulations: the Accreditation Review Commission on Education for the Physician Assistant ("ARC-PA"). Further amendments to this subsection are being made to more specifically comply with recent amendments to the mandate in BPC section 3513, which states:

The board shall recognize the approval of training programs for physician assistants approved by a national accrediting organization. Physician assistant training programs accredited by a national accrediting agency approved by the board shall be deemed approved by the board under this section.

Adopting the introductory sentence in this subsection would also give greater notice to applicants regarding the accrediting agency recognized by the Board: the Accreditation Review Commission on Education for the Physician Assistant ("ARC-PA"). Revisions to strike the full name of the Accreditation Review Commission on Education for the Physician Assistant are made since the Board proposes to create a short form reference of "ARC-PA" throughout this section for ease of review, since this acronym is widely known in the regulated community. The Board proposes to add a short form reference to "approved program" (which is used in other parts of the regulation) for ease of use when referring to what the Board will accept as meeting its requirements, and to give greater notice and specificity regarding the meaning of that terminology used in the Board's regulations. The Board will retain the terminology of "deemed approved by the Board", which is also

referenced in BPC section 3513, to place the requirements for PA training programs in one location and for better notice and ease of reference by the users.

The Board also proposes to capitalize the “b” in Board consistent with the short form reference contained in CCR section 1399.502. The Board proposes to remove as obsolete the sentence that authorizes the Board to disapprove an educational program which does not comply with the requirements of this article. As discussed previously, the Board proposes to repeal this and any other regulation in this article that conflicts with amendments to the Act by AB 1501 (removing the Board’s authority to directly approve educational institutions and programs). Leaving this sentence in would create confusion for applicants as it might appear to imply the Board’s direct oversight over these programs, which will end effective January 1, 2026.

The last sentence would be amended consistent with changes to existing text in subsection (a) to specify a “fall back” recognition process in the event that ARC-PA ceases to exist. These changes are necessary to more accurately show separation between subjects (by adding a new subsection (c)), and to resolve any ambiguity regarding what would occur if programs approved through the accreditation authority specified in subsection (b) lost their accreditation. Since AB 1501 changes the program approval process to one totally based upon a recognized accreditor, it necessarily follows that a PA training program’s approval would terminate once that training program’s accreditation is terminated by the accreditor. However, this regulation specifies the process when approval would be deemed terminated and therefore not a qualifying program for greater applicant notice.

### **Repeal Sections 1399.535, 1399.536, 1399.538, 1399.539, 1399.556 Related to Requirements for Board Approval of PA Training Programs and PA Training Program Fees**

Purpose: This proposal would repeal all titles and text in the above-noted sections related to the Board’s standards for approving PA training programs currently authorized at BPC sections 3509, 3513 and 3521.2. Those statutes will be amended or repealed to remove the Board’s authority to directly oversee and charge a fee for the approval of PA training programs, effective January 1, 2026, under the provisions of AB 1501. This would include repealing the following regulatory titles and text that set standards for:

- (1) CCR § 1399.535. Requirements for Preceptorship Training,
- (2) CCR § 1399.536. Requirements for Preceptors,
- (3) CCR § 1399.538. Patient Informed Consent (for trainees or preceptees in an approved program),
- (4) CCR § 1399.539. Identification of Trainees in Approved Programs, and,
- (5) CCR § 1399.556. Program Fees (for the approval of PA training programs).

Rationale: As noted previously, these sections are being repealed as obsolete and no longer necessary since the Board’s authority to set these standards will be eliminated by enactment of AB 1501, effective January 1, 2026.

### **Repeal Section 1399.546 – Reporting of Physician Assistant Supervision**

Purpose: The Board proposes to repeal all of CCR section 1399.546 as it can no longer be enforced after the passage of SB 697.

Rationale: The Board proposes to repeal all of CCR section 1399.546, that provides that a PA shall record who is their supervising physician every time a PA provides their name, signature, initials, or computer code on a patient’s record, chart, or written order. BPC section 3502, prior to the changes made by SB 697 provided, in part:

(a) Notwithstanding any other law, **a physician assistant may perform those medical services as set forth by the regulations adopted under this chapter** when the services are rendered under the supervision of a licensed physician and surgeon who is not subject to a disciplinary condition imposed by the Medical Board of California prohibiting that supervision or prohibiting the employment of a physician assistant. **The medical record, for each episode of care for a patient, shall identify the physician and surgeon who is responsible for the supervision of the physician assistant.** (Emphasis added.) (Stats. 2015, ch. 536 (SB 337).)

However, with the enactment of SB 697 in 2019, the highlighted text above was deleted and replaced with the following:

(a) Notwithstanding any other law, a PA may perform medical services as authorized by this chapter if the following requirements are met:

(1) The PA renders the services under the supervision of a licensed physician and surgeon who is not subject to a disciplinary condition imposed by the Medical Board of California or by the Osteopathic Medical Board of California prohibiting that supervision or prohibiting the employment of a physician assistant.

(2) The PA renders the services pursuant to a practice agreement that meets the requirements of Section 3502.3.

(3) The PA is competent to perform the services.

(4) The PA’s education, training, and experience have prepared the PA to render the services.

BPC section 3502.3 further provides that the practice agreement includes: “[p]olicies and procedures to ensure adequate supervision of the physician assistant, including, but not limited to, appropriate communication, availability, consultations, and referrals between a physician and surgeon and the physician assistant in the provision of medical services.”

As result of these changes to the Practice Act, the content of the practice agreement now controls as opposed to the Board’s regulations. Now, when or how a PA must identify their supervising physician in the written or electronic medical record is determined in the practice agreement. This regulation now stands in contradiction to the law concerning PA practice and needs to be repealed to remove any confusion.

## Underlying Data

Technical, theoretical or empirical studies, reports, or documents relied upon:

1. Agenda, relevant Meeting Materials, and Minutes of the Physician Assistant Board's August 7, 2020, meeting.
2. Agenda and Minutes of the Physician Assistant Board's November 9, 2020, meeting.
3. Agenda, Minutes, and relevant Meeting Materials of the Physician Assistant Board's February 8, 2021, meeting.
4. Agenda, Minutes, and relevant Meeting Materials of the Physician Assistant Board's November 8, 2021, meeting.
5. SB 697 (Caballero, Chapter 707, Statutes of 2019)
6. Agenda, Minutes, and relevant Meeting Materials of the Physician Assistant Board's November 7, 2022, meeting.
7. Agenda, Minutes, and relevant Meeting Materials of the Physician Assistant Board's August 4, 2023, meeting.
8. Agenda, Minutes, and relevant Meeting Materials of the Physician Assistant Board's November 6, 2023, meeting.
9. Agenda, Minutes, and relevant Meeting Materials of the Physician Assistant Board's November 8, 2024, meeting.
10. The California Department of Justice's website guidance document entitled "Fingerprint Background Checks" (also available at <https://www.oag.ca.gov/fingerprints>)
11. The California Department of Justice's website guidance document entitled "Applicant Agencies" (also available at: <https://oag.ca.gov/fingerprints/agencies>)
12. D.5. Standard Agreement STD 213A, Agreement No. 0000000000000082752, Department of Consumer Affairs, Office of Administrative Services and Elavon, Inc., dated 3/13/25.
13. Agenda, Minutes and Relevant Meeting Materials of the Physician Assistant Board's August 15, 2025, meeting.

## **Business Impact**

The Board has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the Board is proposing to update existing requirements for this regulation and many of the requirements of this regulation are already imposed by the statutory changes created by the passage of SB 697, so that any economic impact is not the result of this regulation.

However, to the extent the credit card convenience fee is paid by a business on behalf of a licensee or applicant, costs would increase a nominal amount.

The regulations may increase costs to individuals or business in the event any fees are paid online using a credit or debit card. The additional credit card and debit card convenience fees are currently set at 2.3 percent of fee costs, which would range from

\$0.23 to \$6.90 per transaction and would be considered a standard and reasonable rate. The Board estimates total cost impacts to applicants of up to \$50,000 per year.

### **Economic Impact Assessment**

This regulatory proposal will have the following effects:

It will not create or eliminate jobs within the State of California because the proposal only lists what is currently required for initial applications for licensure, removes language about the Board establishing a passing score for the licensure examination, clarifies the requirements to provide the Board with an address of record and any changes to the applicants or licensees current address, eliminates recordkeeping requirements that conflict with statute since the passage of SB 697 and eliminates references to PA training program standards and fees made obsolete by the passage of AB 1501, all changes needed to align the Board's regulations with prevailing law.

It will not create new businesses or eliminate existing businesses within the State of California because the proposal only lists what is currently required for initial applications for licensure, removes language about the Board establishing a passing score for the licensure examination, clarifies the requirements to provide the Board with an address of record and any changes to the applicants or licensees current address, eliminates recordkeeping requirements that conflict with statute since the passage of SB 697 and eliminates references to PA training program standards and fees made obsolete by the passage of AB 1501, all changes needed to align the Board's regulations with prevailing law.

It will not affect the expansion of businesses currently doing business within the State of California because the proposal only lists what is currently required for initial applications for licensure, removes language about the Board establishing a passing score for the licensure examination, clarifies the requirement to provide the Board with an address of record and any changes to the applicants or licensees current address, eliminates recordkeeping requirements that conflict with statute since the passage of SB 697 and eliminates references to PA training program standards and fees made obsolete by the passage of AB 1501, all changes needed to align the Board's regulations with prevailing law.

This regulatory proposal will benefit the health and welfare of California residents by updating the Board's regulations and bringing them into compliance with recent statutory changes. Overall, the proposed amendments bring the Board's regulations up-to-date and bring the Board's regulations into compliance with recent statutory changes.

The proposed amendments to CCR section 1399.506 place all the information, documents and processes required for initial licensure in one convenient location and for greater applicant notice, as established on the application for licensure. The proposed amendments to CCR section 1399.507 comply with recently amended Business and Professions Code (BPC) section 3517, while the proposed amendments to CCR section

1399.511 clarify that an address of record will be posted on the Board's public website and that applicants must also provide a residential address to the Board; changes of addresses must be reported to the Board as specified. These requirements provide greater notice and transparency regarding application, eligibility and licensing requirements for applicants and licensees. The proposed amendments to amend CCR section 1399.530 and to repeal CCR sections 1399.535, 1399.536, 1399.538, 1399.539, 1399.546 and 1399.556 help avoid licensee confusion and remove obsolete provisions that conflict with recent statutory changes to the Act, providing greater transparency as to the Board's requirements for licensure.

This regulatory proposal will not affect worker safety or the state's environment because aligning the Board's regulations with the changes to statute caused by the passage of SB 697 or other statutes does not impact worker safety or involve environmental issues.

The regulations may increase costs to individuals or business in the event any fees are paid online using a credit or debit card. The additional credit card and debit card convenience fees are currently set at 2.3 percent of fee costs, which would range from \$0.23 to \$6.90 per transaction and would be considered a standard and reasonable rate. The Board estimates total cost impacts to applicants of up to \$50,000 per year.

### **Specific Technologies or Equipment**

This regulation does not mandate the use of specific technologies or equipment. The regulation will require applicants to use the Board's online licensing system to submit applications to the Board electronically and use specified software to scan and submit documents as part of the application process. However, the Board anticipates that most individuals already have computers or have access to one, and that the software used is standard for most applicants in this profession. Therefore, this regulation would not require an applicant or registrant to obtain additional equipment or technology to comply with this regulation.

### **Consideration of Alternatives**

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

No such alternatives have been proposed, however, the Board welcomes comments from the public.

### **Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:**

No such alternatives have been proposed, however, the Board welcomes comments from the public.