

## **PHYSICIAN ASSISTANT COMMITTEE SPECIFIC LANGUAGE OF PROPOSED CHANGES**

Add Article 8, Continuing Medical Education to Division 13.8 of Title 16 of the California Code of Regulations, as follows:

1. Section 1399.615 is added to read:

### 1399.615 Continuing Medical Education Required.

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

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

(c) Each physician assistant in order to renew his or her license at each renewal thereof shall report compliance with the provisions of this article by declaring upon application that he or she has complied with the continuing medical education requirements or that the provisions of subdivision (b) are applicable.

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

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

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

2. Section 1399.616 is added to read:

1399.616. Approved Continuing Medical Education Programs.

(a) Programs are approved by the committee for continuing medical education if they are designated as Category I (Preapproved) by one of the following sponsors:

(1) American Academy of Physician Assistants (AAPA).

(2) American Medical Association (AMA).

(3) American Osteopathic Association Council on Continuing Medical Education (AOACCME).

(4) American Academy of Family Physicians (AAFP).

(5) Accreditation Council for Continuing Medical Education (ACCME).

(6) A state medical society recognized by the ACCME.

(b) Continuing medical education obtained from a program other than those specified in subdivision (a) shall not satisfy the continuing education requirement in subdivision (a) of section 1399.615.

NOTE: Authority Cited: Section 3510, Business and Professions Code.

Reference: Section 3524.5, Business and Professions Code.

3. Section 1399.617 is added to read:

1399.617 Audit and Sanctions for Noncompliance.

(a) The Committee may audit a random sample of physician assistants who have reported compliance with the continuing medical education requirement. Those physician assistants selected for audit shall be required to document their compliance with the continuing medical education requirements of this article and shall be required to provide to the Committee the records retained pursuant to subdivision (e) of section 1399.615, except that a physician assistant who complies with the continuing medical education requirements of certification by the National Commission on Certification of Physician Assistants need not provide such records if the Committee may obtain the records directly from the Commission.

(b) It shall constitute unprofessional conduct for any physician assistant to misrepresent his or her compliance with the provisions of this article.

(c) In addition to any enforcement action, any physician assistant who was found not to have completed the required number of hours of approved continuing medical education or was found not to hold a valid certification from the National Commission on Certification of Physician Assistants at the time of renewal will be required to make up any deficiency during the next biennial renewal period. Such physician assistant shall document to the Committee the completion of any

deficient hours identified by the audit. Any physician assistant who fails to make up the deficient hours during the following renewal period shall be ineligible for renewal of his or her license to practice medicine until such time as the deficient hours of continuing medical education are documented to the Committee.

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

4. Section 1399.618 is added to read:

1399.618. Waiver of Continuing Medical Education Requirement.

(a) The Committee or its designee may, in its discretion, exempt a licensee from the continuing medical education requirements for a renewal cycle, if the licensee cannot meet those requirements for reasons of health, military service, or undue hardship.

(b) Any licensee whose application for a waiver is denied by the Committee, shall be ineligible for active renewal of his or her license to practice medicine unless the licensee complies with the provisions of Section 1399.615.

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

5. Section 1399.619 is added to read:

1399.619. Inactive Status.

(a) Upon written request, the Committee may grant inactive status to a licensee if, at the time of application for inactive status, the license is current and not suspended, revoked, or otherwise punitively restricted by the Committee.

(b) A licensee who is inactive shall not engage in any activity for which a license is required.

(c) An inactive license shall be renewed during the same time period in which an active license is renewed. Any continuing medical education requirements for renewing a license are waived.

(d) The renewal fee for an inactive license is the same as the fee to renew an active license.

(e) To restore an inactive license to an active status, the holder shall do both of the following:

1) Pay the renewal fee.

2) Complete continuing medical education equivalent to that required for a single renewal period of an active license within the last two years prior to applying to restore the license to active status.

(f) The inactive status of any licensee does not deprive the Committee of its authority to institute or continue any disciplinary or enforcement action against the licensee.

(g) A license may be placed in inactive status if the licensee applies for renewal and pays all applicable fees, but fails to comply with the continuing medical education requirements of this article.

NOTE: Authority Cited: Section 3510, Business and Professions Code.  
Reference: Sections 118, 700-704, 3510, 3523, 3524 and 3524.5, Business and Professions Code.

6. Section 1399.571 is amended to read:

1399.571. Citable Offenses.

(a) The executive officer shall consider the following factors when determining the amount of an administrative fine:

(1) The good or bad faith exhibited by the cited person.

(2) The nature and severity of the violation.

(3) Evidence that the violation was willful.

(4) History of violations of the same or similar nature.

(5) The extent to which the cited person has cooperated with the committee.

(6) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation.

(7) Such other matters as justice may require.

(b) The executive officer may issue a citation under section 1399.570 for a violation of ~~the provisions listed in this section.~~ any of the following:

(1) The Physician Assistant Practice Act (Business and Professions Code section 3500 et seq.).

(2) A regulation adopted by the committee.

(3) Any other statute or regulation upon which the committee may base a disciplinary action.

The fine for a violation of ~~the following code sections~~ shall be from \$100 to \$5000.

~~—(1) Business and Professions Code Section 119~~

~~—(2) Business and Professions Code Section 125~~

~~—(3) Business and Professions Code Section 125.6~~

~~—(4) Business and Professions Code Section 475(a)(1)~~

~~—(5) Business and Professions Code Section 490~~

- ~~(6) Business and Professions Code Section 496~~
- ~~(7) Business and Professions Code Section 580~~
- ~~(8) Business and Professions Code Section 581~~
- ~~(9) Business and Professions Code Section 582~~
- ~~(10) Business and Professions Code Section 583~~
- ~~(11) Business and Professions Code Section 584~~
- ~~(12) Business and Professions Code Section 650~~
- ~~(13) Business and Professions Code Section 650.1~~
- ~~(14) Business and Professions Code Section 651~~
- ~~(15) Business and Professions Code Section 654~~
- ~~(16) Business and Professions Code Section 654.1~~
- ~~(17) Business and Professions Code Section 654.2~~
- ~~(18) Business and Professions Code Section 655.5~~
- ~~(19) Business and Professions Code Section 655.6~~
- ~~(20) Business and Professions Code Section 810.~~
- ~~(21) Business and Professions Code Section 2021.~~
- ~~(22) Business and Professions Code Section 2052~~
- ~~(23) Business and Professions Code Section 2054~~
- ~~(24) Business and Professions Code Section 2234(a)~~
- ~~(25) Business and Professions Code Section 2234(e)~~
- ~~(26) Business and Professions Code Section 2236~~
- ~~(27) Business and Professions Code Section 2242~~
- ~~(28) Business and Professions Code Section 2250~~
- ~~(29) Business and Professions Code Section 2252~~
- ~~(30) Business and Professions Code Section 2253~~
- ~~(31) Business and Professions Code Section 2254~~
- ~~(32) Business and Professions Code Section 2255~~
- ~~(33) Business and Professions Code Section 2256~~
- ~~(34) Business and Professions Code Section 2257~~
- ~~(35) Business and Professions Code Section 2258~~
- ~~(36) Business and Professions Code Section 2261~~
- ~~(37) Business and Professions Code Section 2262~~
- ~~(38) Business and Professions Code Section 2263~~
- ~~(39) Business and Professions Code Section 2264~~
- ~~(40) Business and Professions Code Section 2271~~
- ~~(41) Business and Professions Code Section 2272~~
- ~~(42) Business and Professions Code Section 2273~~
- ~~(43) Business and Professions Code Section 2274~~
- ~~(44) Business and Professions Code Section 2285~~
- ~~(45) Business and Professions Code Section 2287~~
- ~~(46) Business and Professions Code Section 2289~~
- ~~(47) Business and Professions Code Section 2400~~
- ~~(48) Business and Professions Code Section 2415~~
- ~~(49) Business and Professions Code Section 3502~~
- ~~(50) Business and Professions Code Section 3502.1~~
- ~~(51) Business and Professions Code Section 3541~~

- ~~(52) Business and Professions Code Section 3542~~
- ~~(53) Business and Professions Code Section 3543~~
- ~~(54) Business and Professions Code Section 3544~~
- ~~(55) Business and Professions Code Section 3545~~
- ~~(56) Business and Professions Code Section 17500~~
- ~~(57) Health and Safety Code Section 102795~~
- ~~(58) Health and Safety Code Section 102800~~
- ~~(59) Health and Safety Code Section 11190~~
- ~~(60) Health and Safety Code Section 11191~~
- ~~(61) Health and Safety Code Section 11215~~
- ~~(62) Title 16 Cal. Code Regs. 1399.511~~
- ~~(63) Title 16 Cal. Code Regs. 1399.521~~
- ~~(64) Title 16 Cal. Code Regs. 1399.524~~
- ~~(65) Title 16 Cal. Code Regs. 1399.538~~
- ~~(66) Title 16 Cal. Code Regs. 1399.539~~
- ~~(67) Title 16 Cal. Code Regs. 1399.540~~
- ~~(68) Title 16 Cal. Code Regs. 1399.541~~
- ~~(69) Title 16 Cal. Code Regs. 1399.543~~
- ~~(70) Title 16 Cal. Code Regs. 1399.545~~
- ~~(71) Title 16 Cal. Code Regs. 1399.546~~
- ~~(72) Title 16 Cal. Code Regs. 1399.615~~
- ~~(73) Title 16 Cal. Code Regs. 1399.617~~

(c) In his or her discretion, the executive officer may issue a citation with an order of abatement without levying a fine for the first violation of any provision set forth above.

(d) For the issuance of a citation that includes an administrative fine in excess of \$2,500, including a citation issued pursuant to Section 1399.573, the executive officer shall determine that at least one of the following circumstances apply:

(1) The citation involves a violation that presents an immediate threat to the health and safety of another person.

(2) The citation involves multiple violations of the provisions specified in subdivision (b) that demonstrate a willful disregard of the law.

(3) The citation involves a violation or violations perpetrated against a senior citizen, a person under 18 years of age, or disabled person.

NOTE: Authority cited: Sections 125.9, 148 and 3510, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.