

TITLE 16. PHYSICIAN ASSISTANT COMMITTEE

NOTICE IS HEREBY GIVEN that the Physician Assistant Committee is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 2005 Evergreen Street, Hearing Room, Suite 1150, Sacramento, California, at 10:30 a.m., on 13 August 2009. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physician Assistant Committee at its office no later than 5:00 p.m. on 12 August 2009 or must be received by the Physician Assistant Committee at the hearing. The Physician Assistant Committee, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 125.9, 148, and 3510 of the Business and Professions Code, and to implement, interpret or make specific Sections 118, 125.9, 148, 700, 701, 702, 703, 704, 3510, 3523, 3524, and 3524.5 of said Code, the Physician Assistant Committee is considering changes to Division 13.8 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code Section 3510 authorizes the Committee to adopt, amend, or repeal regulations as may be necessary to enable it to carry into effect the provisions of the Physician Assistant Practice Act. The Committee is proposing the following changes:

1) Adopt Sections 1399.615, 1399.616, 1399.617, 1399.618, and 1399.619

Existing law, Assembly Bill 2482 (Stats 2008, Chapter 76) authorizes the committee to require a licensee to complete continuing medical education (CME) as a condition of license renewal.

This proposal would require continuing medical education as a condition of license renewal and establish a comprehensive continuing medical education scheme, including criteria for complying with the statute, number of hours required, the type of continuing medical education that qualifies, administrative provisions for noncompliance, record keeping requirements, approved course providers, audit and sanctions provisions for noncompliance, and waiver provisions. It would also establish an inactive status allowing licensees to be exempt from renewal or continuing medical education requirements.

2) Amend Section 1399.571

Existing law, Business and Professions Code Section 125.9 and 148 permit the Physician Assistant Committee to establish, by regulation, a citation and fine program. Existing law establish a citation program and list the specific laws and regulations that form a basis for a citation.

This proposal would delete the list of specific laws and regulations for which the committee may issue citations and replace it with general categories for which it may issue that fine. The proposed amendment would provide that the committee issue citations and fines based on violations of the Physician Assistant Practice Act, regulations adopted by the committee, and other statutes or regulations upon which the committee may base a disciplinary action. This change will allow the Physician Assistant Committee to issue a citation and fine for continuing medical education violations, but will also allow the Physician Assistant Committee to adopt future regulations without amending citation and fine regulations.

The regulatory proposal affects physician assistant licensees.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Some costs are expected regarding auditing provisions, but the Physician Assistant Committee anticipates existing personnel will be able to perform functions.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because it only affects individual licensees.

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses:

The Physician Assistant Committee has determined that this regulatory proposal may have an impact by creating jobs or new businesses that become, or currently are, providers of continuing medical education.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Physician Assistant Committee are costs associated with a licensee completing continuing education courses or obtaining recertification.

Additionally, other known costs to the Physician Assistant Committee include costs associated with the payment of a fine due to the issuance of a citation. Such costs only affect individuals who have received a citation and fine for failure to comply with continuing medical education requirements. Citations include fines that range from \$100 to \$5000.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Physician Assistant Committee has determined that the proposed regulations would not negatively affect small businesses. The regulatory proposal affects only physician assistants and may create new business for continuing medical education providers.

CONSIDERATION OF ALTERNATIVES

The Physician Assistant Committee must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Physician Assistant Committee has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based. It may be obtained at the hearing or prior to the hearing upon request from the Physician Assistant Committee at 2005 Evergreen Street, Suite 1100,

Sacramento, California 95815 or on the committee's website at: www.pac.ca.gov/.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physician Assistant Committee at 2005 Evergreen Street, Suite 1100, Sacramento, California 95815 or on the committee's website at: www.pac.ca.gov/.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Glenn Mitchell
Address:	2005 Evergreen Street, Suite1100 Sacramento, CA 95815
Telephone No.:	(916) 561-8783
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The backup contact person is:

Name:	Elberta Portman
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Website Access : Materials regarding this proposal can be found at:

www.pac.ca.gov/.