



MEMORANDUM

DATE	November 8, 2024
TO	Physician Assistant Board (Board)
FROM	Jasmine Dhillon, Legislative and Regulatory Specialist Kristy Schieldge, Regulations Counsel, Attorney IV
SUBJECT	Agenda Item 18. Update on Pending Regulatory Packages

1. 16 CCR 1399.514, 1399.615 – SB 697: License Renewal and Continuing Medical Education Required

Proposed language for Board discussion	Board Approved Language to Notice	PAB Staff work with DCA Legal on Pre-review of Documents	Submitted to DCA for Initial Phase Review	DCA Submits to Agency for Initial Review	PAB files Notice with OAL	45-Day Comment Period Ended
01/13/2020	11/08/2021	7/11/2024				
Board Review Comments from 45-day Comment Period	Public Hearing Held (optional)	PAB Staff work with DCA Legal on Final Rulemaking Package	Submitted to DCA for Review	Submitted to Agency for Review	Submitted to OAL for Review	Effective Date

This regulatory proposal will clarify, interpret, and make specific all requirements for license renewal. It consolidates all of the renewal requirements in one location and clarifies that the licensee status for those who do not renew by their expiration date is “expired with no practice permitted.” This proposal also incorporates the new continuing medical education (CME) requirement imposed by SB 697. At the May 28, 2020 Board meeting, the Board voted to rescind the Board’s prior proposed text, and approved changes to the language of 16 CCR section 1399.514. At the November 6, 2023 meeting, the Board voted to adopt the revised regulatory language. This package is on hold pending legislation in 2025, as the Board plans to seek amendments to Business and Professions Code (BPC) section 3523 to address apparent authority issues with providing their renewal application online through BreZE.

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2. 16 CCR 1399.506, 1399.507, 1399.511, 1399.546 – SB 697: Application, Exam Scores, Addresses, & Recordkeeping

Proposed language for Board discussion	Board Approved Language to Notice	PAB Staff work with DCA Legal on Pre-review of Documents	Submitted to DCA for Initial Phase Review	DCA Submits to Agency for Initial Review	PAB files Notice with OAL	45-Day Comment Period Ended
11/08/2021	11/06/2023					
Board Review Comments from 45-day Comment Period	Public Hearing Held (optional)	PAB Staff work with DCA Legal on Final Rulemaking Package	Submitted to DCA for Review	Submitted to Agency for Review	Submitted to OAL for Review	Effective Date

This regulatory proposal will update existing regulations and bring them in line with changes made to the Physician Assistant Practice Act by SB 697 (Caballero, Chapter 707, Statutes of 2019), and the requirements imposed by AB 2113 (Low, Chapter 186, Statutes of 2020). These amendments specify the requirements for applications of licensure and remove the regulatory requirement that the Board establish a passing score for the licensure examination. These amendments clarify in regulation the AB 2113-mandated expedited application review for active-duty members and spouses of active-duty members of the Armed Forces of the United States, as well as refugees, asylees, and special immigrant visa holders.

The proposed regulatory language passed by the Board has been revised to address further concerns raised by the California Academy of PAs (CAPA) and DCA's Legal Affairs Division. The revised proposed regulatory language was approved and adopted by the Board at its November 8, 2021, meeting. Staff submitted initial submission documents for Budget and Legal review which was completed on July 29, 2022. The initial submission documents were approved by Agency on August 27, 2022. Notice of the proposed regulatory action was published on September 9, 2022, and the 45-day comment period closed on October 25, 2022. The Board adopted revised proposed regulatory language, which was sent out for the 15-day public comment period from November 9, 2022, to November 28, 2022, and no public comments were received. Agency approved final package documents on December 12, 2022 which were filed with the Office of Administrative Law (OAL) on December 20, 2022.

Starting in January of 2023, Regulations Counsel and staff have been working with OAL to amend the text for consistency with the initial license application. The

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Board adopted revised proposed regulatory language, which was sent out for the 15-day public comment period which ran from July 21, 2023, to August 7, 2023, and no public comments were received. Since these proposed regulatory changes were initially noticed on September 9, 2022, the Business, Consumer Services, and Housing Agency had one year from that date to complete the rulemaking process and re-submit the completed rulemaking file to OAL. A new rulemaking must be initiated to re-start the clock because the revisions the OAL attorney requested to the Text rendered us unable to complete the rulemaking within the 1-year notice period. At the November 6, 2023 meeting, the Board approved the proposed regulatory language to reinstate the rulemaking process. However, the text approved at the November 6, 2023 Board meeting does not reflect the Board's transition to an online application system, but rather still refers to submission of the application "to the Board at its Sacramento office," which is a paper application. In addition, not all statutorily required elements of the initial application were covered or were covered in a way inconsistent with current law or case law interpreting certain terms used in the proposal. The Board is asked to adopt the proposed revised regulatory language to initiate the rulemaking process.

3. 16 CCR 1399.515 – AB 2461: Retired Status to Include Fingerprint Requirement

Proposed language for Board discussion	Board Approved Language to Notice	PAB Staff work with DCA Legal on Pre-review of Documents	Submitted to DCA for Initial Phase Review	DCA Submits to Agency for Initial Review	PAB files Notice with OAL	45-Day Comment Period Ended
08/09/2021	08/09/2021					
Board Review Comments from 45-day Comment Period	Public Hearing Held (optional)	PAB Staff work with DCA Legal on Final Rulemaking Package	Submitted to DCA for Review	Submitted to Agency for Review	Submitted to OAL for Review	Effective Date

This regulatory proposal would require retired status licensees who seek to re-activate their license to provide fingerprints to the Department of Justice so that the Board may conduct criminal history background checks. This would eliminate the risk of the Board reactivating a license of a retired PA who got a state or federal arrest or disposition since retiring their license. Staff will be working on initial documents to submit for initial review next calendar year.

4. 16 CCR 1399.523 – SB 1441: Implement Uniform Standards Related to Substance Abusing Licensees and Update of Disciplinary Guidelines

Proposed language for Board discussion	Board Approved Language to Notice	PAB Staff work with DCA Legal on Pre-review of Documents	Submitted to DCA for Initial Phase Review	DCA Submits to Agency for Initial Review	PAB files Notice with OAL	45-Day Comment Period Ended

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Board Review Comments from 45-day Comment Period	Public Hearing Held (optional)	PAB Staff work with DCA Legal on Final Rulemaking Package	Submitted to DCA for Review	Submitted to Agency for Review	Submitted to OAL for Review	Effective Date

This package reflects updates to the Board's Disciplinary Guidelines and includes incorporating relevant portions of the Uniform Standards Regarding Substance-Abusing Healing Arts licensees. It brings Board regulations in line with SB 1441 (Ridley-Thomas, Chapter 548, Statutes of 2008) which required the development of department-wide Uniform Standards. Staff will be working on the proposed language for Board approval in the next calendar year.

5. 16 CCR 1399.550 – Initial License Fee

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11/08/2024						
Board Review Comments from 45-day Comment Period	Public Hearing Held (optional)	PAB Staff work with DCA Legal on Final Rulemaking Package	Submitted to DCA for Review	Submitted to Agency for Review	Submitted to OAL for Review	Effective Date

This regulatory proposal would increase the initial license fee to \$250.00 to cover operational costs, including processing applications, maintaining licensing systems, and ensuring compliance with regulatory standards. Staff is requesting the Board review, discuss and approve the proposed text at this meeting.

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