

MEMORANDUM

DATE	April 21, 2025
TO	Physician Assistant Board (Board)
FROM	Kristy Schieldge, Regulations Counsel, Attorney IV Jasmine Dhillon, Legislative and Regulatory Specialist
SUBJECT	12. Discussion and Possible Action to Reconsider Previously Approved Text, and to Consider Initiation of a Rulemaking to Amend Title 16, California Code of Regulations Section 1399.515 Regarding Retired Status Updates and Returned Fingerprint Requirement

Background

AB 2461 (Flora, Ch. 300, 2018) amended Penal Code §11105.2(d) so that the Board is required to notify the Department of Justice (DOJ) when the licensee can no longer renew their license. The DOJ then stops reporting subsequent state or federal arrests or dispositions to the Board. Title 16, California Code of Regulations (CCR), section 1399.515 currently allows individuals with a retired status license to reactivate their license if they complete certain requirements but fingerprinting to allow receipt of criminal offender record information (CORI) from the DOJ's database is not included.

At its August 9, 2021 meeting, the Board discussed the risks of the Board reactivating the license of a retired physician assistant who has gotten a state or federal arrest or disposition since retiring their license, and making amendments to 16 CCR section 1399.515 to require retired status licensees who seek to re-activate their license to provide fingerprints to the DOJ so the Board may conduct criminal history background checks and other non-substantive changes.

Summary of Changes

Changes originally suggested to the proposed language at the August 9, 2021 Board meeting are shown in Attachment 3. Since that time, current Regulations Counsel has suggested further changes. The proposed changes to the language in the Retired Status Updates and Returned Fingerprint Requirement rulemaking text at 16 CCR section 1399.515 are shown in Attachment 1, and those changes include:

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- updating the date of the form incorporated by reference to 4/20 /25 to reflect changes made to that form.
- adding language to include a limitation as to time when an individual can restore their license from retired status to active status, which is within five years of being issued a retired license. This time frame is consistent with the five-year cancellation provision in Business and Professions Code section 3526 for licensees who fail to renew their PA license within five years after their license expires. Section 3526 prohibits the Board from renewing or reinstating such a license. This requirement ensures currency of knowledge for those who re-enter practice after being retired for years.)
- adding subparagraphs to make the regulation easier to read.
- striking obsolete grandfathering provisions that allowed licensees who had cancelled to be eligible for the retired status license without paying any fees if they applied within one-year from the effective date of this regulation (originally effective April 1, 2019). Since that eligibility window passed April 1, 2020, this language should be repealed as no longer necessary.
- retaining the fingerprinting requirement but clarifying that the Board will only request fingerprints if they do not exist in the DOJ's database.
- specifying that if a licensee who has been in retired status for more than five years seeks an active license, the individual may apply for a new license pursuant to CCR section 1399.506.

The proposed revisions to the Application for Retired Status are shown in Attachment 2. Changes made to the application are shown in underline, strikeout and highlight. These changes include:

- removing the old Board logo and letterhead and replacing it with the new letterhead and Board logo to provide uniformity with the Board's forms.
- removing the old requirement regarding waiver of fees for those applying before April 1, 2020, as it is not relevant for applicants applying now.
- non-substantive changes to add new paragraph lettering for better readability.
- removing gendered language and making grammatical changes.
- updating the declaration to ensure applicant attests to providing correct information and is the individual completing and signing the application.
- updating the Board's suite number and website for accuracy.

Similar changes have been implemented by other healing arts boards in the Department. Most recently, the Physical Therapy Board adopted changes in 2023 similar to the ones outlined in this proposal at Title 16, California Code of Regulations section 1398.18.

Action Requested

Staff recommends the Board review and discuss the provided materials and language that has changed since the last Board vote. The Board may wish to determine whether to approve the revised regulatory language and initiate the rulemaking process using the

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revised regulatory language in Attachments 1 and 2, which includes changes made to the Application for Retired Status form.

Suggested Motion Language

Move to rescind the Board's prior motion on this item, and instead approve the proposed regulatory text for title 16, CCR Section 1399.515 as set forth in Attachments 1 and 2, and direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review. If the Board does not receive any objections or adverse recommendations specifically directed at the proposed action or to the procedures followed by the Board in proposing or adopting this action, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no objections or adverse recommendations are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulation at 16 CCR section 1399.515 as noticed.

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- Attachment:
1. Proposed regulatory text for 16 CCR section 1399.515, Retired Status Updates and Returned Fingerprint Requirement rulemaking.
 2. Proposed Revisions to Application for Retired Status, Form PAB-RET ~~01/19~~04/25
 3. Prior Approved Regulatory Text for 16 CCR section 1399.515.

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Attachment 1

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PHYSICIAN ASSISTANT BOARD

PROPOSED REGULATORY LANGUAGE
Retired Status Updates and Returned Fingerprint Requirement

<p>Legend: Added text is indicated with an <u>underline</u>.</p> <p>Deleted text is indicated by strikeout.</p>
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Amend Section 1399.515 of Article 1 of Division 13.8 of the California Code of Regulations to read as follows:

§ 1399.515. Retired Status.

(a) The board shall issue, upon receipt of a completed Application for Retired Status (Form PAB-RET, 014/1925), which is hereby incorporated by reference, a retired license to a physician assistant who meets all of the following requirements:

(1) The applicant has been licensed by the board and is not actively engaged in practice as a physician assistant or any activity that requires them to be licensed by the board.

(2) The applicant's physician assistant license is not canceled, suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action by the board under the Medical Practice Act (commencing with Section 2000 of the Code), Physician Assistant Practice Act (commencing with Section 3500 of the Code), or regulations adopted pursuant to those practice acts, ~~and by the board~~.

(3) ~~Beginning one (1) year from the effective date of this regulation,~~ The applicant's license is not delinquent. If the license is in a delinquent status, the applicant may satisfy this requirement by submitting payment for all outstanding fees with the retirement status application. For the purposes of this subsection, "outstanding fees" includes all accrued renewal fees, a twenty-five dollar (\$25) delinquency fee, and the mandatory fee for the Controlled Substance Utilization Review and Evaluation System (CURES) as set forth in Section 208 of the Code.

(b) The holder of a retired license:

(1) Shall be exempt from the renewal requirements described in Section 3524.5 of the Code.

(2) May restore ~~his or her~~ their license to active status within five years of being issued a retired license by:

(A) complying with the renewal requirements set forth in Section 1399.514,

(B) submitting proof of completion of continuing medical education (CME) as set forth in Section 1399.615 or proof of certification by the National Commission on Certification of Physician Assistants,

(C) submitting the license renewal fee as set forth in Section 1399.550, ~~and~~

(D) submitting the mandatory fee for the Controlled Substance Utilization Review and Evaluation System (CURES) as set forth in Section 208 of the Code, and,

(E) on written request of the Board, furnishing to the Department of Justice a full set of fingerprints for the purposes of conducting criminal history record checks pursuant to Section 144 of the Code. Submission of fingerprints shall only be requested by the Board if an electronic record of the submission of the individual's fingerprints does not exist in the Department of Justice's criminal offender identification database.

(c) The board may upon its own determination, and shall upon receipt of a complaint from any person, investigate the actions of any licensee who may be in violation of this section.

(d) If a licensee who has been in retired status for more than five years seeks an active license, the individual may apply for a new license in accordance with Section 1399.506.

Note: Authority cited: Sections 2018, 3510, and 3521.3, Business and Professions Code. Reference cited: Sections 144, 208, 464, 3521.1, and 3521.3, Business and Professions Code.

Attachment 2

Note: Strike Old Logo and State Seal and Add New Logo and Letterhead here as follows:



BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR

DEPARTMENT OF CONSUMER AFFAIRS • PHYSICIAN ASSISTANT BOARD

2005 Evergreen Street, Suite 2250, Sacramento, CA 95815

P (916) 561-8780 | F (916) 263-2671 | paboard@dca.ca.gov | www.pab.ca.gov



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR

DEPARTMENT OF CONSUMER AFFAIRS • PHYSICIAN ASSISTANT BOARD



APPLICATION FOR RETIRED STATUS

- Prior to April 1, 2020, an individual's license may be delinquent when applying for retired status and no fees are required. On and after April 1, 2020, in order to be eligible for a retired license, an individual's license must be in a current-active or current-inactive status. The license cannot be canceled, suspended, revoked or otherwise punitively restricted by the Physician Assistant Board or subject to disciplinary action by the Board under the Medical Practice Act (commencing with Section 200 of the Code), Physician Assistant Practice Act (commencing with Section 3500 of the Code), or regulations adopted pursuant to those practice acts, and by the board for you to be eligible for this license status.
- On or after April 1, 2020, if the physician assistant license is delinquent, a payment of all outstanding fees as required by California Code of Regulations (CCR) section 1399.515(a)(3) must be submitted with the Application for Retired Status.
- You must mail the application and any required fees to the Physician Assistant Board, 2005 Evergreen Street, Suite 11002250, Sacramento, CA 95815-3893. **Faxes are not acceptable. Failure to provide any requested information or fees may prevent, or significantly delay the processing of your request.**
- Title 16, California Code of Regulations section 1399.515 provides an exemption from payment of the renewal fee if the licensee has been granted a retired status.

PERSONAL INFORMATION COLLECTION NOTICE: The information provided in this form will be used by the Physician Assistant Board ("PA Board") to process your request to change your license status to retired. Section 3521.3 of the Business and Professions Code and Section 1399.515 of Title 16 of the California Code of Regulations authorizes the collection of this information. Failure to provide any of the required information (except the email address) is grounds for rejection of the form as being incomplete. Information provided may be transferred to the Department of Justice, a District Attorney, a City Attorney, or to another government agency as may be necessary to permit the PA Board, or the transferee agency, to perform its statutory or constitutional duties or otherwise transferred or disclosed as provided in Civil Code Section 1798.24. Each individual has the right to review his or her their file, except as otherwise provided by the Information Practices Act. The Executive Officer of the PA Board is responsible for maintaining the information in this form, and may be contacted at 2005 Evergreen Street, Suite 11002250, Sacramento, CA 95815-3893, telephone number (916) 561-8780 regarding questions about this notice or access to records.

NO PRACTICE IS PERMITTED

Please print or type. An illegible application will be returned.

PERSONAL INFORMATION

Name: (first, middle, last)

Address of record: (Current public/mailling address. If using a PO Box, you must also provide a confidential street address.) This address is displayed on the Physician Assistant Board's website.

Change of Address: ☐ Yes ☐ No

Confidential street address:

License Number:

Expiration Date:

Last 4 digits of SSN:

Date of Birth:

Telephone Number:

Email:
(optional)

RETIREMENT INFORMATION

Are you actively engaged in practice as a physician assistant or in any activity that requires you to be licensed by the Physician Assistant Board?

☐ Yes ☐ No

DECLARATION

I hereby certify that I have read and personally completed this form. **By signing below, I am requesting Retired License Status.**

Signature: _____ Date: _____

For PAB use only:

Entered in system: _____ Renewal Application Canceled: _____ Date: _____

PAB-RET **01/1904/25**

2005 Evergreen Street, Suite **11002250**, Sacramento, CA 95815-3893 • (916) 561-8780 • Fax: (916) 263-2671 • www.pab.ca.gov

Attachment 3

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PHYSICIAN ASSISTANT BOARD

PROPOSED REGULATORY LANGUAGE

Retired Status Return To Practice Fingerprint Requirement

<p>Legend: Added text is indicated with an <u>underline</u>. Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout.</p>

Amend Section 1399.515 of Article 1 of Division 13.8 of the California Code of Regulations to read as follows:

§ 1399.515. Retired Status.

(a) The board shall issue, upon receipt of a completed Application for Retired Status (Form PAB-RET, 01/19), which is hereby incorporated by reference, a retired license to a physician assistant who meets all of the following requirements:

(1) The applicant has been licensed by the board and is not actively engaged in practice as a physician assistant or any activity that requires them to be licensed by the board.

(2) The applicant's physician assistant license is not canceled, suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under the Medical Practice Act (commencing with Section 2000 of the Code), Physician Assistant Practice Act (commencing with Section 3500 of the Code), regulations adopted pursuant to those practice acts, and by the board.

(3) Beginning one (1) year from the effective date of this regulation, the applicant's license is not delinquent. If the license is in a delinquent status, the applicant may satisfy this requirement by submitting payment for all outstanding fees with the retirement status application. For the purposes of this subsection, "outstanding fees" includes all accrued renewal fees, a twenty-five dollar (\$25) delinquency fee, and the mandatory fee for the Controlled Substance Utilization Review and Evaluation System (CURES) as set forth in Section 208 of the Code.

(b) The holder of a retired license:

(1) Shall be exempt from the renewal requirements described in Section 3524.5 of the Code.

(2) May restore ~~his or her~~ their license to active status by: complying with the renewal requirements set forth in Section 1399.514, submitting proof of completion of continuing medical education (CME) as set forth in Section 1399.615 or proof of certification by the National Commission on Certification of Physician Assistants, submitting the license renewal fee as set forth in Section 1399.550, ~~and~~ submitting the mandatory fee for the Controlled Substance Utilization Review and Evaluation System (CURES) as set forth in

Section 208 of the Code, and furnishing to the Department of Justice a full set of fingerprints for the purposes of the Board conducting criminal history record checks pursuant to Section 144 of the Code.

(c) The board may upon its own determination, and shall upon receipt of a complaint from any person, investigate the actions of any licensee who may be in violation of this section.

Note: Authority cited: Sections 2018, 3510, and 3521.3, Business and Professions Code. Reference cited: Sections 144, 208, 464, 3521.1, and 3521.3, Business and Professions Code.