

**PHYSICIAN ASSISTANT BOARD**  
**FINAL STATEMENT OF REASONS**

Hearing Date: August 10, 2018

Subject Matter of Proposed Regulations: Retired Status

Section Affected: 1399.515 of Title 16 of the California Code of Regulations

Updated Information

The Initial Statement of Reasons is included in the file. The information contained therein is updated as follows:

On August 16, 2018 the Physician Assistant Board issued a 15-day Notice of Availability of Modified Text for the following reasons. At the August 10, 2018 board meeting, proposed language to amend Title 16, California Code of Regulations section 1399.515 was reviewed. A motion was made to modify the text in the proposed regulation, as well as to modify the text in the form incorporated by reference, as set forth below.

The Board modified the originally noticed text at Section 1399.515 for the following reasons:

Form PAB-RET Oct 2016 (incorporated by reference):

The following instructions on how to reactivate a license were deleted from the form:

You may restore your license to active status by: (1) complying with the renewal requirements set forth in Section 1399.514 of the board's regulations, (2) submitting proof of completion of continuing medical education (CME) as set forth in Section 1399.615 of the board's regulations or proof of certification by the National Commission on Certification of Physician Assistants, (3) submitting a license renewal fee as set forth in Section 1399.550 of the board's regulations; and, (4) submitting the mandatory fee for the Controlled Substance Utilization Review and Evaluation System (CURES) as set forth in Section 208 of the Business and Professions Code.

Those instructions were removed from the proposed text of the application as it duplicates text already proposed at section 1399.515 (b)(2). In addition, since these instructions would have explained how to reinstate a retired status license to active status, it does not help inform the applicant about how to obtain a license in a retired status, which is the main objective of the application. The board believes that the remaining proposed instructions do address what is needed to complete the application process.

Subdivision (a):

The Board modified the text to add the words “receipt of” in the first line of the proposed text. This modification would change the text from “The board shall issue, upon a completed application” to “The board shall issue, upon receipt of a completed application,” so that it is clearer that the Board cannot act on an application until the Board receives a completed application. This change should help ensure that applicants understand that receipt of a completed application is what triggers the Board’s review and action. Non-substantive changes were also made to the language incorporating the application by reference.

Subdivision (a)(2), (3), and Application for Retired Status:

Non-substantive changes were made so that all information regarding license eligibility is in both the text to be printed in the CCR and the application. Other non-substantive changes were made to align the application with Business and Professions Code section 3521.3(d).

Subdivision (b)(1):

This subdivision and accompanying text “Shall not engage in any activity for which a license is required” was deleted as the language was duplicative of existing law and did not add to or interpret any provision of the existing law. This text and the prohibition against practice are already contained in section 3521.3(b) of the Business and Professions Code. The remaining sections in subdivision (b) were renumbered to accommodate the deletion.

These changes do not affect the purpose or the scope of the originally proposed regulatory changes.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Small Business Impact

The proposed regulatory action would have no significant statewide adverse economic impact on small business. There is no business impact because this proposed regulation will establish a regulation for the placement of a license on a retired status for a physician assistant who is not actively engaged in practice as a physician assistant or any activity that requires them to be licensed by the Board. Since physician assistants currently choose to go inactive, or allow their licenses to lapse or cancel when they retire, there would be no effect on businesses when an individual chooses merely to change their license title to “retired.”

The Board has approximately 11,735 licensees for the 2016/2017 fiscal year. The Board anticipates approximately 3 percent of licensees to request retired status. Individuals that place their license in a retired status would have a bi-annual savings of

the cost to renew their license and the cost of continuing medical education.

The initial savings for an individual would be \$312 if they were renewing their license in an active status and \$300 if they were renewing their license in a current-inactive status. This would be a bi-annual savings for the remainder of their lives. The licensee would also see savings relating to the cost of continuing medical education (CME), which varies between home study, specific focus courses, and in person meetings. CME costs an average of \$46 per credit at 50 credits bi-annually, which could be a potential savings of \$2,300 per renewal cycle.

To restore a retired status license to active, the licensee would have to pay the renewal fee of \$300, as well as the \$12 CURES fee. The \$312 would be a bi-annual cost for the duration of the active status. However, existing law already requires that licensees who wish to reactivate their license have to pay these fees. As a result, this regulation will not cause any individual to incur any additional costs as a result of this regulatory proposal.

#### Anticipated Benefits of this Proposal

This proposal would establish a consistent and simple process for obtaining a retired status license and would eliminate barriers for those physician assistants who wish to retire and have the option of placing their license in a retired status. It would also save costs for those selecting this status by not requiring payment of an application fee or renewal fee. Individuals who select this status within one year following adoption would also save costs associated with transitioning from delinquent to retired status. This proposal would also alleviate confusion for the public regarding the true status of an individual who does not wish to abandon his or her license, but rather simply retire from practice.

#### Consideration of Alternatives

No alternative considered by the agency would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Set forth below are the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses:

1. If the regulation is not adopted a licensee would not have a system in place to have a retired status.
2. Without this regulation if a physician assistant is no longer working, their options for renewal are to renew as if they were still working, place their license in an inactive status, which still requires them to pay the renewal fee, or not renew at all, which

places their license in a delinquent status and will be canceled in five (5) years. If this regulation is adopted it would eliminate the expense of renewal and remove the negative connotation of delinquent, inactive or canceled status.

#### Objections or Recommendations/Responses

There were no comments, objections, or recommendations received.

#### Comments received during the 45-day comment period:

No comments were received.

#### Comments received during the 15-day comment period:

No comments were received.

#### Incorporation by Reference

As reflected in the Informative Digest published in the California Notice Register 2018, Volume No. 24-Z on June 15, 2018, the Board is incorporating by reference an application for retired status, Form PAB-RET Oct 2016.

The incorporation by reference method was used because it would be impractical and cumbersome to publish the application form in the California Code of Regulations (CCR). The application form is a two-page document filled with multiple lines, text and formatted boxes, making it difficult to reproduce in the CCR. Failure to print properly in the CCR could cause processing issues and confusion for users of the form. This form collects information regarding an applicant's qualifications so that the Board may ensure he or she has met the requirements for a retired status. The application form was made available to the public and was posted on the Board's website.