

TITLE 16. PHYSICIAN ASSISTANT BOARD

(Notice published June 15, 2018)

NOTICE OF PROPOSED RULEMAKING

The Physician Assistant Board (Board) proposes to adopt the proposed regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:00 a.m.** on **August 10, 2018**, in the **Spinnaker Room of the Sheraton San Diego Hotel and Marina** located at 1380 Harbor Island Drive, San Diego, California 92101. The Spinnaker Room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Board requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916) 263-2671 or by e-mail to anita.winslow@mbc.ca.gov. The written comment period closes at **5:00 p.m. on August 10, 2018**. The Board will consider only comments received at the Board offices by that time. Submit comments to:

Anita Winslow, Regulatory Coordinator
Physician Assistant Board
2005 Evergreen Street, Suite 1100
Sacramento, CA 95815-3893

AUTHORITY AND REFERENCE

Business and Professions Code sections 2018, 3510, and 3521.3 authorize the Board to adopt this proposed regulation. The proposed regulation implements, interprets, and makes specific sections 208, 464, 3521.1, and 3521.3 of the Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Physician assistants are licensed health care practitioners that perform authorized medical services under the supervision of a licensed physician and surgeon. The Physician Assistant Board (Board) licenses and regulates physician assistants pursuant to the Physician Assistant Practice Act (Business and Professions Code sections 3500 and following). Business and Professions Code section 3521.3 authorizes the Board to

establish, by regulation, a system for the placement of a license on a retired status. The Board has received inquiries regarding options for those physician assistants who wish to retire from practice. Currently, physician assistants only have the option to allow their licenses to lapse (become delinquent, expire, or cancel), or be placed in an inactive status, which requires payment of a fee.

The purpose of the proposed regulation is to establish a regulation for the placement of a physician assistant license on a retired status, upon application, using proposed Form PAB-RET Oct 2016, which is incorporated by reference at proposed Section 1399.515. This proposal would adopt a new section at 1399.515 to implement minimum eligibility requirements for a retired license, including, a practice prohibition, an application form, ineligibility criteria if the license is currently canceled, revoked or otherwise punitively restricted or if the licensee is actively practicing, exemption from renewal requirements, and fee waivers for renewal and initial implementation of the program. In addition, proposed Section 1399.515 would create criteria for the restoration of a retired license to active status and authorize the Board to investigate violations of these new proposed standards.

Anticipated Benefits of the Proposed Regulation:

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.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: None

Cost or savings to any state agency:

In fiscal year 2016/2017 the Board processed 5,224 renewals. Of those renewals 45 percent were completed online by the licensee, therefore, the only cost to the Board would be the printing and mailing of the renewal application.

The cost to process a renewal is:	
Print/mail renewal application	5,224 x \$2.25 = \$11,754
Process renewal SSA @ 1 hr.	2,873 x \$48.23 = \$138,565
Cashier renewal payment SSA @ .5 hr.	2,873 x \$24.12 = <u>\$69,297</u>
Total	\$207,862

The average cost to process a renewal application is \$72.35

The retired status application will be available to the licensee online at no cost to the Board for printing or mailing. The cost to process the retired status application is based on Board staff entering the new status into the database.

Process retired status application SSA @ .25 hr. x \$48.23 = \$12.06

The cost savings to the Board is \$72.35 - \$12.06 = \$60.29

The Board anticipates 800 retired status applicants in the first year to request retired status. The Board could save \$48,240 in the first year and \$8,382 in the second year and ongoing in application processing costs.

First year savings = \$60.29 x 800 = \$48,232

Second year and ongoing savings = \$60.29 x 139 = \$8,380

The Physician Assistant Board has approximately 11,735 licensees for the 2016/2017 fiscal year. In the first year of implementation, Business and Professions Code section 3521.3(d) requires the Board to allow applicants to convert from delinquent status to retired status without reactivating the license; reactivation typically involves a fee. As a result, in the first year of implementation of this regulation, the Board does not anticipate any additional workload resulting from these regulations. The Board anticipates approximately 3 percent of active licensees, 100 percent of inactive licensees, and 25 percent of delinquent licensees to request retired status in the first year of implementation. The Board assumes 1 percent of active licensees to request retired status after the first year of implementation.

Revenue

For the fiscal year 2016/2017 the Board has 11,735 current licenses, 41 current-inactive licenses, and 1,628 delinquent licenses. Of these licenses the Board anticipates 3 percent of the current licenses, 100 percent of the inactive licenses, and 25% of the delinquent licenses to request a retired status within the first year of implementation of the regulation. The Board estimates that with these anticipated requests for retired status the decrease in revenue in the first year of implementation will be \$250,175. After the first year of implementation and ongoing, the Board estimates a revenue decrease of \$41,700.

Currently there are 229 accredited programs within the country, of which 46 programs are in development. California currently has 14 accredited programs of which 1 program

is on probation, 7 programs have provisional accreditation (as they are new programs) and 6 programs have continuing accreditation. There are currently 5 programs developing in California which means that within the next 3-4 years there could be 19 programs within California, thus, the Board anticipates a minimum of a 9 percent growth in the number of applicants. The Board estimates that with this anticipated growth the increase in revenue in the first year of implementation will be \$316,800. After the first year of implementation and ongoing, the Board estimates a revenue increase of \$345,300.

The net gain in the first year of implementation is estimated to be \$66,625. After the first year of implementation and ongoing, the Board estimates a revenue net gain of \$303,600.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Cost impacts on a representative private person or business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: None

Business Impact:

This regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts:

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".

Effect on Small Business:

The Physician Assistant Board has determined that the proposed regulations would not affect small businesses because it would only affect those licensees who wish to retire.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

The Physician Assistant Board has determined that this regulatory proposal will not create or eliminate jobs, will not create new business or eliminate existing businesses,

and will not affect the expansion of businesses currently doing business within the State of California because it will allow individuals already retired from working as a physician assistant or considering retirement the opportunity to place a license on a retired status. 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 the workforce related to a mere change in title to “retired.”

This regulatory proposal would not affect worker safety because this proposal does not involve worker safety. The proposed regulation establishes 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 and meets other requirements.

Benefits of the Proposed Action: This regulatory proposal will benefit the health and welfare of California residents because if a consumer is searching for a physician assistant that they have seen through the public data base and a “retired” status is shown, the consumer would know the physician assistant is no longer allowed to practice. 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

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Name:	Anita Winslow
Address:	2005 Evergreen Street, Suite 1100 Sacramento, CA 95815-3893
Telephone No.:	(916) 561-8782
Fax No.:	(916) 263-2671
E-Mail Address:	anita.winslow@mbc.ca.gov

The backup contact person is:

Name: Lynn Forsyth
Address: 2005 Evergreen Street, Suite 1100
Sacramento, CA 95815-3893
Telephone No.: (916) 561-8785
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E-Mail Address: lynn.forsyth@mbc.ca.gov

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulation as revised. Please send requests for copies of any modified regulations to the attention of Anita Winslow at the address indicated above. The Board will accept written comments on the modified regulation for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Winslow at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of the regulation in underline and strikeout, Business and Professions Code section 3521.3, and the Physician Assistant Board's October 24, 2016 and January 23, 2017 meeting minutes can be accessed through our website at: www.pac.ca.gov.