

PHYSICIAN ASSISTANT BOARD

INITIAL STATEMENT OF REASONS

Hearing Date: April 23, 2018

Subject Matter of Proposed Regulations:

1. Curriculum Requirements for an Approved Program for Primary Care Physician Assistants
2. Requirements for an Approved Program for the Specialty Training of Physician Assistants

Sections Affected: 1399.531 and 1399.532 of Title 16 of the California Code of Regulations

Specific Purpose of each adoption, amendment, or repeal:

The Physician Assistant Board (Board) proposes to repeal sections 1399.531 and 1399.532 of Title 16 of the California Code of Regulations (CCR) (Section 1399.531 and Section 1399.532, respectively). Business and Professions Code section 3513 provides, in pertinent part, that the Board must recognize the approval of physician assistant training programs approved by a national accrediting organization, and that “if no national accrediting organization is approved by the board, the board may examine and pass upon the qualification of, and may issue certificates of approval for, programs for the education and training of physician assistants that meet board standards.” In addition, the approvals of physician assistant training programs approved by a national accrediting organization are recognized by the Board pursuant to section 3513 of the Business and Professions Code (Section 3513). Title 16, California Code of Regulations section 1399.530 (Section 1399.530) indicates in pertinent part “The educational program shall be established in educational institutions accredited by an accrediting agency recognized by Council for Higher Education Accreditation (CHEA) or its successor organization, or the U.S. Department of Education, Division of Accreditation, which are affiliated with clinical facilities that have been evaluated by the educational program.” Therefore, the Board is currently authorized by law to use these accreditation agencies to approve all physician assistant training programs and would no longer need a separate review and approval by the Board to review and approve physician assistant training programs. For the following reasons, the Board considers the current regulatory requirements in Sections 1399.531 and 1399.532 unnecessary.

The Board adopted Sections 1399.531 and 1399.532 in 1983 to address the fact that there were no national accrediting bodies that specifically reviewed and accredited post-graduate physician assistant training programs and provided requirements for a Board-approved program. Since the adoption of these regulations, there are national

accrediting organizations that review and accredit these programs, and those approvals are recognized by the Board. Therefore, there is no longer a need for the Board to fill this void of reviewing and approving physician assistant training programs, and by extension, no longer a need to set forth the curriculum requirements for a program approved by the Board.

At present, a post-graduate program that has obtained approval from a national accrediting organization that is approved by the Board would face delays in beginning their program due to an additional approval from the Board. Since these programs have already been accredited by a national accrediting agency, repealing these regulations would eliminate a barrier to educational programs for post-graduate specialty training for physician assistants in California. This could result in additional training programs for physician assistants, which would ultimately benefit consumers due to additional training opportunities for physician assistants in California.

In addition, due to the changes in accreditation standards and approval processes used by state licensing boards since Sections 1399.531 and 1399.532 were adopted, it is the Board's view that these regulations do not meet the current standards for reviewing and approving such educational training programs, which is misleading to consumers. A more intensive review process, including site visits by experts in the field of education and separate programmatic and class review, would be necessary to meet minimum standards for qualitatively assessing an educational program, which the Board believes it does not have the resources to do. The Board is exercising its discretion, as set forth in Section 3513, to cease examining and passing upon the qualification of, and issuing certificates of approval for, physician assistant education and training programs that meet board standards.

Factual Basis/Rationale

Factual basis for determination that each proposed change is reasonably necessary to address the problem for which it is proposed is as follows:

The Board proposes to repeal Sections 1399.531 and 1399.532. Section 3513 provides, in pertinent part, that the Board must recognize the approval of physician assistant training programs approved by a national accrediting organization, and that "if no national accrediting organization is approved by the board, the board may examine and pass upon the qualification of, and may issue certificates of approval for, programs for the education and training of physician assistants that meet board standards." In addition, the approvals of physician assistant training programs approved by a national accrediting organization are recognized by the Board pursuant to Section 3513. Title 16, California Code of Regulations section 1399.530 (Section 1399.530) indicates in pertinent part "The educational program shall be established in educational institutions accredited by an accrediting agency recognized by Council for Higher Education Accreditation (CHEA) or its successor organization, or the U.S. Department of Education, Division of Accreditation, which are affiliated with clinical facilities that have been evaluated by the educational program." Therefore, the Board is currently

authorized to use these accreditation agencies to approve all physician assistant training programs and there would no longer be a need for the Board to separately review and approve physician assistant training programs.

The Board adopted Sections 1399.531 and 1399.532 in 1983 to address the fact that there were no accrediting bodies that specifically reviewed and accredited post-graduate physician assistant training programs and provide requirements for a board-approved program. Since the adoption of these regulations, there are accrediting agencies that review and accredit these programs, and those approvals are recognized by the Board. Therefore, there is no longer a need for the Board to fill this void of reviewing and approving training programs, and by extension, there is no need to set forth the curriculum requirements for a program approved by the Board.

Repealing these regulations would also remove a potential barrier for the creation of additional physician assistant training programs while continuing to protect consumers. At present, a post-graduate program that has obtained approval from a national accrediting organization that is approved by the Board would face delays in beginning their program due to an additional approval from the Board. Since these programs have already been accredited by a national accrediting agency, repealing these regulations would eliminate a barrier to educational programs for post-graduate specialty training for physician assistants in California. This could result in additional training programs for physician assistants, which would ultimately benefit consumers due to additional training opportunities for physician assistants in California.

In addition, due to the changes in accreditation standards and approval process used by state licensing boards since Sections 1399.531 and 1399.532 were adopted, it is the Board's view that these regulations do not meet the current standards for reviewing and approving such training programs, which is misleading to consumers. A more intensive review process, including site visits and class review, would be necessary. The Board is exercising its discretion, as set forth in Section 3513, to cease examining and passing upon the qualification of, and issuing certificates of approval for, physician assistant education and training programs that meet board standards.

At the April 18, 2016 meeting, the Board considered an application for approval of a physician assistant residency program, and public comment was received requesting the repeal of Sections 1399.531 and 1399.532.

At the July 11, 2016 meeting, the Board discussed its original rationale for adopting these regulations in 1983, which was to provide oversight to address the fact that there were no accrediting bodies that specifically reviewed and accredited post-graduate programs. Since the adoption of these regulations, there are now accrediting agencies that review and accredit these programs, and those approvals are recognized by the Board. For this reason, the Board decided it no longer needed to fill this void of reviewing and approving training programs, and regulations for Board-approved curriculum requirements for these programs were no longer needed. Also, Board staff reported that there are currently no resources in place to perform full and qualitative

reviews and assessments of post-graduate training programs and their curriculums. It was also noted that the Board's regulations do not meet modern accreditation standards accepted by state licensing boards and that the current approval process is insufficient, which could be misleading to consumers.

The Council for Higher Education Accreditation (CHEA) published a report in September 2002, *The Fundamentals of Accreditation – What Do You Need to Know?*, explaining the accreditation process. The report described the accreditation process as a five (5) part process:

- Self-study: Institutions and programs prepare a written summary of performance based on accrediting organization's standards.
- Peer review: Accreditation review is conducted primarily by faculty, administrators, and members of the public.
- Site visit: Accrediting organization normally sends a visiting team to review an institution or program. Team members are volunteers.
- Action (judgment) of accrediting organization: Accrediting organization has commission that makes decisions about the accredited status of institutions and programs.
- Monitoring and oversight: Institutions and programs are reviewed over time in cycles from every few years to ten years. Normally, these reviews include a site visit by qualified educational experts (educators in the field of study).

Based on this report, it is the Board's opinion that it does not have the means to evaluate or approve a post-graduate program at this time. Accreditation is about quality assurance and quality improvement. Accreditation agencies recognized by CHEA have a process to scrutinize higher education programs for which the Board has neither the staff nor the resources to provide. Based on the CHEA report, there are currently no resources in place for the Board to perform full and qualitative reviews and assessments of post-graduate training programs, like accreditation agencies do. As such, the Board believes that public protection is upheld by the continued approval of physician assistant training programs by national accrediting agencies with Board recognition of those approvals. The proposed action would not remove the Board's authority under Section 3513 to adopt regulations again in the future if the Board believed that accreditation agencies were not providing a full and qualitative review of these educational programs.

Underlying Data

Technical, theoretical or empirical studies, reports, or documents relied upon (if any):

- (1) Business and Professions Code Section 3513
- (2) Minutes of the Physician Assistant Board's April 18, 2016 meeting.
- (3) Minutes of the Physician Assistant Board's July 11, 2016 meeting.
- (4) Council for Higher Education Accreditation (CHEA) *The Fundamentals of Accreditation – What Do You Need to Know?* report dated September 2002.

Business Impact

This regulatory proposal will not have a significant adverse economic impact on businesses because it addresses curriculum requirements for an approved program for primary care physician assistants and requirements for an approved program for specialty training of physician assistants.

Economic Impact Assessment

This regulatory proposal will have the following effects:

It may create jobs, but not eliminate jobs within the State of California because removing a potential barrier for the creation of new physician assistant training programs may result in more post-graduate training programs. The programs would not have the added expense of creating a package regarding the proposed program for the Board's review and approval. Because the Board recognizes program approvals by national accrediting organizations, there would be no need to obtain additional approval from the Board. This could result in the creation of additional teaching positions related to the new training program.

It may create new business, but not eliminate existing businesses within the State of California because removing a potential barrier for the creation of new physician assistant training programs may result in more post-graduate training programs. The programs would not have the added expense of creating a package regarding the proposed program for the Board's review and approval. Because the Board recognizes program approvals by national accrediting organizations, there would be no need to obtain additional approval from the Board. This could result in the creation of additional training programs and additional businesses.

It may affect the expansion of businesses currently doing business within the State of California because removing a potential barrier for the creation of new physician assistant training programs may result in more post-graduate training programs. The programs would not have the added expense of creating a package regarding the proposed program for the Board's review and approval. Because the Board recognizes program approvals by national accrediting organizations, there would be no need to obtain additional approval from the Board. This could result in the creation of additional training programs and additional businesses.

This regulatory proposal benefits the health and welfare of California residents because if more post-graduate training programs were available to physician assistants, they would have additional opportunities for training and, as a result, be better trained, which benefits the health and welfare of consumers.

This regulatory proposal does not affect worker safety because it addresses post-graduate education and training programs for physician assistants.

This regulatory proposal does not affect the State's environment because it addresses post-graduate education and training programs for physician assistants.

Specific Technologies or Equipment

This regulatory proposal does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was accepted or rejected:

1. Not to repeal the regulations: This alternative was rejected because Sections 1399.531 and 1399.532 address requirements for physician assistant training programs approved by the Board. Since the Board wishes to exercise its discretion to cease examining and passing upon the qualification of, and issuing certificates of approval for such programs, these regulations are no longer needed.
2. Amend the regulations to reflect current accreditation standards. This alternative was rejected because the Board does not have the resources to perform full and qualitative reviews and assessments of post-graduate training programs and their curriculums.
3. Repeal the regulations: This alternative was accepted because the Board will no longer be examining and passing upon the qualification of, and issuing certificates of approval for physician assistant training programs. Therefore, these regulations are no longer needed.