

TITLE 16. PHYSICIAN ASSISTANT BOARD

(Notice published February 9, 2018)

NOTICE OF PROPOSED RULEMAKING

The Physician Assistant Board (Board) proposes to repeal the regulations 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 April 23, 2018**, in the Hearing Room located at 2005 Evergreen Street, Suite 1150A, Sacramento, California 95815. The Hearing 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 April 23, 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 section 2018 and 3510 authorizes the Board to repeal these regulations. The proposed repeal of sections 1399.531 and 1399.532 of title 16 of the California Code of Regulations implements, interprets, and makes specific section 3513 of the Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 3513 (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 under 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 a 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 of Title 16 of the California Code of Regulations (Section 1399.531 and 1399.532, respectively) in 1983 to address the fact that there were no accrediting bodies that specifically reviewed and accredited post-graduate physician assistant programs and provided 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, no longer a 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. For example, if a post-graduate program seeks Board approval for a training program that has already been approved by a national accrediting organization, and the approval is recognized by the Board, waiting for additional approval by the Board would potentially deter or delay the start of the program until approval is given by the Board. Since these programs would have already met approval standards of a national accrediting organization, repealing these regulations would remove a potential barrier to educational programs that wish to provide post-graduate specialty training to physician assistants.

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.

Anticipated Benefits of the Proposed Regulation:

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.

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: None

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.

Statewide adverse economic impact directly affecting businesses and individuals: None

Significant effect on housing costs: None

Business Impact:

The Physician Assistant Board has determined that the proposed repeal 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 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.

Effect on Small Business:

The Physician Assistant Board has determined that the proposed repeal of these regulations would not affect small businesses because these regulations only apply to educational programs that wish to provide post-graduate specialty training to physician assistants.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

The Physician Assistant Board has determined that this regulatory repeal may have an impact on the creation of jobs, new businesses, or the expansion of businesses but not the elimination of jobs or existing businesses in the State of California because removing a potential barrier for the creation of more post-graduate training programs may result in additional 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 more jobs or new businesses.

Benefits of the Proposed Action: The Physician Assistant Board has determined that this regulatory repeal may benefit the health and welfare of California residents because having more post-graduate training programs available to physician assistants, they would have additional training opportunities, and as a result, be better trained to serve the consumer.

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 repeal of these regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

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The backup contact person is:

Name: Lynn Forsyth
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Sacramento, CA 95815-3893
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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, the initial statement of reasons, if any, or other information which the rulemaking is based, Business and Professions Code section 3513, Minutes of the April 18, 2016 and July 11, 2016 Board meetings, and the September 2002 report from the Council for Higher Education Accreditation (CHEA), *The Fundamentals of Accreditation – What Do You Need to Know?*.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may repeal the regulations 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, and the text of the regulation in underline and strikeout can be accessed through our website at: www.pac.ca.gov.