

# PHYSICIAN ASSISTANT BOARD

## FINAL STATEMENT OF REASONS

Hearing Date: April 23, 2018

Subject Matter of Proposed Regulations: Citations for Unlicensed Practice

Sections Affected: 1399.573 of Title 16 of the California Code of Regulations

### Updated Information

The Initial Statement of Reasons is included in the file. No changes have been made which would warrant a change of the Informative Digest contained in the Notice for Section 1399.573.

### Local Mandate

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

### Small Business Impact

This regulation will not have a significant adverse economic impact on small businesses. This initial determination is based on the following facts:

The Physician Assistant Board has approximately 11,920 licensees for the current fiscal year. Physician assistants work in a variety of practice settings and specialties under the supervision of licensed physicians. Aside from the incident in 2014, the Board does not have data on the number of individuals who have never been licensed and are holding themselves out as a physician assistant. However, the regulatory proposal would only affect an individual if they are found to be in violation. A licensee that is found to be non-compliant with statutes and regulations enforced by the Board may be impacted through the assessment of a citation with an administrative fine which may not exceed \$5,000 for each inspection or each investigation made with respect to the violation in accordance with Section 125.9(b)(3) of the Business and Professions Code. In the last three years, the Board has issued four (4) citations to individuals who have practiced without a license with an average cost of \$500 each.

### Anticipated Benefits of this Proposal

The Board's mission is to protect consumers. It is the Board's responsibility to set minimum licensing standards for physician assistants in the practice of medicine and to ensure that those standards are continuously met for the protection of the public. This proposal would allow the Board to better protect the health, safety and welfare of consumers by authorizing the Board to issue citations, fines and orders of abatement to

any person who is acting in the capacity of a physician assistant without licensure. This would help enforce current law, provide better consumer protection, deter prospective violators, and help provide a fair and competitive environment for the Board's licensees.

### Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the regulation is proposed, would be as effective or 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 is the reason for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses:

The alternative to not amend the regulation was rejected because Section 1399.573 currently does not authorize the Board's executive officer to issue administrative citations to unlicensed persons who have not previously been licensed by the Board. This weakens the Board's ability to stop violations of the law and deter unlicensed activity, which impedes the Board's efforts to protect consumers.

### Objections or Recommendations/Responses

There were no comments, objections, or recommendations concerning the proposed amendment during the 45-day Notice period, or at the April 23, 2018 public hearing.

### Finding of Necessity

There are no reports required by this regulatory proposal.

### Incorporation by Reference

There are no documents incorporated by reference.