

TITLE 16. PHYSICIAN ASSISTANT BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:

RETIRED STATUS UPDATES AND RETURNED FINGERPRINT REQUIREMENT

(Notice Published October 9, 2026)

NOTICE IS HEREBY GIVEN that the Physician Assistant Board (Board) proposes to take the action described in the Informative Digest below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request, addressed to the individuals listed under "Contact Person" in this notice, for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by mail, facsimile (FAX), or e-mail to the addresses listed under "Contact Persons" in this Notice. **The written comment period closes on Monday, November 23, 2026.** The Board will consider only comments received at the Board's office by that time, or comments received at the hearing if the Board holds a hearing.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) sections 3510 and 3521.3 and to implement, interpret, or make specific BPC sections 144, 208, 464, 851, 3509, 3521.1, 3521.3 and 3526, the Board is seeking to amend Sections 1399.507 and 1399.515 of Article 1 of Division 13.8 of Title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board licenses, regulates, and investigates complaints against licensed physician assistants (PAs) in California, totaling approximately 19,410 licensees. It is the Board's duty to enforce and administer the Physician Assistant Practice Act (Chapter 7.7 (commencing with section 3500) of Division 2 of the BPC) (Practice Act). The Board is authorized to establish necessary rules and regulations for the enforcement of the Practice Act and the

laws subject to its jurisdiction (Business and Professions Code (BPC) section 3510).

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 and for restoration to active status from a retired status. On April 1, 2019, the Board adopted Title 16, California Code of Regulations (CCR) Section 1399.515 to implement a retired status including the form incorporated by reference entitled "Application for Retired Status (Form PAB-RET, 01/19)," and to establish requirements for restoring a license to active status from retired status. This rulemaking updates the Board's regulations to ensure minimum standards for public protection are met for those licensees applying for retired status and for those seeking an active license after being in retired status.

Assembly Bill (AB) 2461 (Flora, Ch. 300, 2018) amended California Penal Code section 11105.2(d) so that the Board is required to notify the Department of Justice (DOJ) when the licensee can no longer renew or reinstate their license. The DOJ then stops reporting subsequent state or federal arrests or dispositions to the Board. Title 16, California Code of Regulations (CCR), section 1399.515 currently allows individuals with a retired status license to reactivate their license if they complete certain requirements but fingerprinting to allow receipt of criminal offender record information (CORI) from the DOJ's database is not included. This proposal would address that issue by requiring an applicant, on written request of the Board, to furnish to the Department of Justice, a full set of fingerprints for the purpose of conducting criminal history record checks pursuant to BPC section 144. Submission of fingerprints would only be requested by the Board if an electronic record of the submission of the individual's fingerprints does not exist in the Department of Justice's criminal offender identification database.

BPC section 3521.3 requires the Board to establish minimum qualifications for the restoration of a license in a retired status to an active status but does mention a time frame for when restoration is not permissible. BPC section 3526 prohibits an applicant from reinstating or restoring a license to active status within 5 years after its expiration. To resolve the possible ambiguity between the two statutes, the Board proposes to change the restoration requirements by treating the retired licensee applicant whose original license expired more than 5 years prior to application for restoration as a new applicant according to the authority in BPC section 3526, including the requirement of taking and passing an examination. These amendments ensure continuing competency for the protection of the public and provide consistent treatment for all individuals who held active licenses that have expired, regardless of the reason.

This proposal would therefore allow a licensee who has been in retired status and not renewed their active licenses for more than five years to obtain an active license by applying for a new license only in accordance with specified requirements. This would include applying for a new license by meeting the requirements in CCR section 1399.506 (which specifies the process for applying for a new license), with the exception of the requirement to show passage of the Physician Assistant National Certifying Examination (PANCE) written examination, as specified. Rather, the licensee in retired status would need to apply and meet new requirements for taking and passing a national recertifying examination and

providing satisfactory “proof” of passage to the Board, as specified.

In addition to the foregoing, the Board proposes updating its current examination, retired status application and restoration to active status requirements, including the following proposed changes:

- (1) updating 16 CCR section 1399.507 to specify that the written examination for “initial” licensure as a physician assistant is that administered by the National Commission on Certification of Physician Assistant’s (NCCPA) Physician Assistant National Certifying Examination (PANCE) and that the passing score is established by the NCCPA,
- (2) adding a new cross-reference to CCR section 1399.515’s new examination requirements in CCR section 1399.507 for an individual seeking a new, active license from the Board after being in a retired status for more than five years, as specified,
- (3) updating the date of the Application for Retired Status form incorporated by reference (Form PAB-RET, 01/19 – “Form”) to reflect changes made to that Form,
- (4) adding language to include a limitation as to time when an individual can restore their license from retired status to active status without filing a new application, which is within five years of being issued a retired license,
- (5) adding subparagraphs within CCR section 1399.515 to make the regulation easier to read,
- (6) striking obsolete grandfathering provisions in the regulatory language and Form that allowed licensees to apply for retired license status if they were delinquent (license was expired or cancelled) and applied within one year of the effective date of the Board’s regulations (originally effective April 1, 2019). Since that eligibility window passed April 1, 2020 and licensees now have to not be delinquent per BPC section 3521.3(d) to qualify for retired status, this language should be repealed as no longer necessary and to avoid applicant confusion,
- (7) adding a new fingerprinting requirement for applicants applying to restore their license to active status that provides that on written request of the Board, the applicant shall furnish to the Department of Justice a full set of fingerprints for the purposes of conducting criminal history record checks pursuant to BPC section 144. Submission of fingerprints shall only be requested by the Board if an electronic record of the submission of the individual’s fingerprints does not exist in the Department of Justice’s criminal offender identification database,
- (8) specifying in CCR section 1399.515 that if a licensee who has been in retired status for more than five years seeks an active license, the individual may apply for a new license pursuant to new application and examination requirements, as specified,

- (9) removing the old Board logo, State seal and letterhead in the Form and replacing it with the Board's new letterhead and logo,
- (10) making non-substantive changes to: remove gendered language and add in gender-neutral terms, update the Board's address and website information and making grammatical changes to the Form;
- (11) adding a notice to the Form regarding consequences for failure to provide any requested information, as specified; and,
- (12) updating the declaration in the Form to require applicants to declare they are requesting Retired License Status "by signing below."

Anticipated Benefits of the Proposed Regulation:

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents:

This proposal would include a process for requiring fingerprinting to allow the Board to receive criminal offender record information (CORI) from the Department of Justice's (DOJ) database for an applicant if an electronic record of the submission of the individual's fingerprints does not exist in the DOJ's criminal offender identification database for the Board. This furthers the Board's consumer protection mandate by allowing a more effective background check to ensure no grounds for denial of the application to restore to active status exist and that an applicant is safe to return to active practice with the public.

Placing a 5-year limitation on how long an individual can restore their license from retired status to active status and requiring a recertifying examination for those seeking active status after more than 5 years in retired status ensures currency of knowledge for those who re-enter practice after being retired for years. Updating the Board's requirements for obtaining a retired status or restoring a license to active status also helps alleviate confusion for licensees regarding the Board's requirements for acquiring both types of license statuses, thereby facilitating compliance and a simple process for retirement planning purposes.

This regulatory proposal does not affect worker safety or the State's environment as it is unrelated to either issue.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

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

Incorporation By Reference

- Application for Retired Status (Form PAB-RET, 044/4925)

DISCLOSURES REGARDING THE PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The Board currently administers the retired license status, including providing a pathway for retired licensees to restore their license to active status. However, the proposed regulations will alter the current reactivation process and will require individuals maintaining a retired license for more than five years to reapply for initial licensure, as specified.

The Board does not have an estimate of the number of retired status licensees that may opt to reactivate their license in the future and therefore does not have a total fiscal impact estimate at this time. However, the Board anticipates the number of individuals will be minimal.

The Board has identified fiscal impacts to the state follows:

Workload Costs: The Board estimates current workload costs of approximately \$80 to process an application and \$515 to process an initial license application.

The Board will be updating the existing retired license application form and posting the revised form on the Board's website. However, the revisions are minor, and any workload costs are anticipated to be incurred within normal business operations.

Fee Revenues: Applicants will be required to submit and pay an application fee of \$60 and an initial license fee of \$250.

Other (state agency and federal government) Revenues: Applicants required to pass a criminal history background check and submit fingerprints will pay fingerprint fees of \$32 to the DOJ and \$17 to the Federal Bureau of Investigations (FBI).

Nondiscretionary costs or savings imposed on local agencies: None.

Cost to any local agency or school district for which Government Code sections 17500 through 17630 require reimbursement: None.

Mandate imposed on local agencies or school districts: None.

Significant effect on housing costs: None.

Cost or savings in federal funding to the state: None.

Business Impact Estimates:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts:

- The Board does not currently charge a fee to process the application for retired status, and this proposal would not change that policy decision. However, applicants who have been in retired status for more than five years and who are seeking a new, active license would be required to pay the fees already required by Section 1399.506 to obtain a new license and to take and pass a new examination Physician Assistant National Recertifying Examination (PANRE) to re-establish minimum competency under this proposal.
- The proposed regulation requires the retired licensee applicant whose original license expired more than five years prior to application for restoration to apply as a new applicant according to the authority in BPC section 3526.
- This proposal would therefore allow a licensee who has been in retired status for more than five years to obtain an active license by applying for a new license in accordance with CCR section 1399.506.
- This proposal includes a process for requiring fingerprinting to allow the Board to receive criminal offender record information (CORI) from the DOJ's database for an applicant if an electronic record of the submission of the individual's fingerprints does not exist in the DOJ's criminal offender identification database for the Board.

Cost impacts on a representative private person or business: Individuals with retired license status for more than five years opting to restore to active status will be required to pay PANRE, fingerprint background check, application, and initial license fees. Additionally, other applicants may need to submit and pay fingerprint background check fees upon request.

The Board does not have an estimate of the number of retired status licensees that may opt to reactivate their license or otherwise be required to pass a fingerprint background check in the future and therefore does not have a total cost impact estimate at this time. However, the Board anticipates the number of individuals will be minimal.

The Board has identified fee costs (individuals) and revenues (business) as follows:

- PANRE: \$350
- Application: \$60
- Initial license: \$250
- Fingerprint Background Check: \$75
 - DOJ (\$32), FBI (\$17); Vendor (\$26)

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Board has determined that this regulatory proposal will not have a significant impact on any of the following:

- 1) The creation or elimination of jobs within the state
- 2) The creation of new businesses or the elimination of existing businesses within the state
- 3) The expansion of businesses currently doing business within the state

This proposal would not have any of the above-referenced impacts as explained in the Business Impact Estimates section of this Notice.

Benefits of Regulation

The Board also concludes that this proposal will have the following benefits to the health and welfare of California residents:

This proposal would include a process for requiring fingerprinting to allow the Board to receive criminal offender record information (CORI) from the DOJ's database for an applicant if an electronic record of the submission of the individual's fingerprints does not exist in the DOJ's criminal offender identification database for the Board. This furthers the Board's consumer protection mandate by allowing a more effective background check to ensure no grounds for denial of the application to restore to active status exist and that an applicant is safe to return to active practice with the public.

Placing a five-year limitation on how long an individual can restore their license from retired status to active status and requiring a recertifying examination for those seeking active status after more than five years in retired status ensures currency of knowledge for those who re-enter practice after being retired for years. Updating the Board's requirements for obtaining a retired status or restoring a license to active status also helps alleviate confusion for licensees regarding the Board's requirements for acquiring both types of license statuses, thereby facilitating compliance and a simple process for retirement planning purposes.

This regulatory proposal will not affect worker safety or the state's environment because the proposal does not involve worker safety or the state's environment.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Board.

Effect on Small Business:

While the Board does not have nor does it maintain data to define if any of its licensees are a "small business" as defined in Government Code section 11342.610, the Board has made an initial determination that any adverse economic impact will not be significant for individual licensees who may own a small business for the reasons set forth in the "Business Impact Estimates" section of this Notice.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation 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 proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing, relevant to the above determinations at Physician Assistant Board, 2005 Evergreen Street, Suite 2250, Sacramento, CA 95815-3893 during the written comment period, or at the hearing if one is scheduled or requested.

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

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice. The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at Physician Assistant Board, 2005 Evergreen Street, Suite 2250, Sacramento, CA 95815-3893. 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, and other information upon which the rulemaking is based.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the persons named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Persons named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be directed to:

Name: Jasmine Dhillon
Address: 2005 Evergreen Street, Suite 2250
Sacramento, CA 95815-3893
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The backup contact person is:

Name: Kristy Voong
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AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board's website at: <https://pab.ca.gov/lawsregs/regulations.shtml>.