

## TITLE 16. Medical Board of California

NOTICE IS HEREBY GIVEN that the Medical Board of California (hereinafter referred to as the "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Sheraton Gateway Hotel LAX, 6101 W. Century Boulevard, Los Angeles, California, at 9:05 a.m. on May 6, 2011. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on April 25, 2011, or must be received at the hearing. The Board, upon its own motion or at the instance 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 will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2018 of the Business and Professions Code, and to implement, interpret or make specific Sections 1327 of said Code, the Board is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend subdivision (a) of Section 1327 of Article 7 of Chapter 1 of Division 13, relating to the Criteria for Approval of Clinical Training Programs for Foreign Medical Students.

1. Existing regulation specifies "Pursuant to Section 2064 of the code a medical student enrolled in a foreign medical school may practice medicine in a clinical training program approved by the division."

This first proposed amendment would clarify that foreign medical students must be enrolled in a foreign medical school recognized by the Board.

2. Existing regulation specifies that "The health facility shall be accredited for continuing education programs by the California Medical Association."

The second proposed amendment would allow the Board to consider health facilities accredited for continuing education programs by the California Medical Association or by the Accreditation Council for Continuing Medical Education.

NOTE: The Board also is making non-substantive technical changes to reflect the statutorily changed structure of the Board and the elimination of the Division of Licensing, changing "Division" to "Board." (AB 253 (Eng, Chapter 678, Statutes of 2007) combined the two divisions of the Board into one board.)

## FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17500-17630 Require Reimbursement: None

Business Impact: None

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.

There are no costs associated with the proposed regulatory action. The proposed amendment would add an additional accrediting agency for approving clinical training programs.

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: None

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.

Effect on Housing Costs: None

## EFFECT ON SMALL BUSINESS

The Board had determined that the proposed regulations would not affect small businesses. This proposed regulation will only have an impact on clinical training programs requesting approval from the Medical Board; these clinical training programs are sponsored by major teaching hospitals.

## CONSIDERATION OF ALTERNATIVES

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 either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described

in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

### INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based. Copies of the initial statement of reasons and all of the information upon which the proposal is based may be obtained from the person designated in the Notice under Contact Person or by accessing the Board's website:

[http://www.medbd.ca.gov/laws/regulations\\_proposed.html](http://www.medbd.ca.gov/laws/regulations_proposed.html).

### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person or by accessing the Board's website:

[http://www.medbd.ca.gov/laws/regulations\\_proposed.html](http://www.medbd.ca.gov/laws/regulations_proposed.html).

### 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 person 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 person named below, or by accessing the Board's website: [http://www.medbd.ca.gov/laws/regulations\\_proposed.html](http://www.medbd.ca.gov/laws/regulations_proposed.html).

### CONTACT PERSON

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

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The backup contact person is:

Name: Kevin A. Schunke  
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Website Access : Materials regarding this proposal can be found at  
[http://www.medbd.ca.gov/laws/regulations\\_proposed.html](http://www.medbd.ca.gov/laws/regulations_proposed.html).



## MEDICAL BOARD OF CALIFORNIA

### INITIAL STATEMENT OF REASONS

Hearing Date: May 6, 2011

Subject Matter of Proposed Regulations: Criteria for Approval of Clinical Training Programs for Foreign Medical Students

Sections affected: Amend subdivision (a) of Section 1327 of Article 7 or Chapter 1 of Division 13, (Section 1327) relating to the Criteria for Approval of Clinical Training Programs for Foreign Medical Students.

Introduction:

On December 7, 2010, the City of Hope petitioned the Medical Board of California (Board) to amend Title 16 CCR section 1327(a)(3) to include a reference to the Accreditation Council for Continuing Medical Education.

At its meeting on January 28, 2011, the Board voted to grant the petition. The Board also voted to amend section 1327(a) for clarification purposes and asked that these matters be set for hearing.

Currently, there are two health facilities in California that have been approved, by the Board under section 1327, to provide clinical training programs to foreign medical students enrolled in a foreign medical school recognized by the Board. Metropolitan State Hospital in Norwalk, California, has been approved to provide clinical training in psychiatry. Alameda County Medical Center-Highland General Hospital in Oakland, has been approved to provide clinical training in ambulatory care, cardiology, gastroenterology, hematology/oncology, infectious disease, nephrology, neurology and radiology.

This proposed regulation benefits programs offering clinical training, e.g., the City of Hope, by making them eligible to apply to the Board for approval to administer clinical training programs. This proposed regulation would also benefit foreign medical students by offering more training opportunities in the State of California and would presumably provide additional services to consumers seeking health care services.

Specific Purpose of each adoption, amendment, or repeal:

1. Amend section 1327(a) (Clinical Training Programs) - The proposed amendment to this section is needed to clarify that foreign medical students who practice medicine in a clinical training program approved by the division must be enrolled in a foreign medical school recognized by the Board.

## Factual Basis/Rationale

Currently, this section states "...a medical student enrolled in a foreign medical school may practice medicine in a clinical training program approved by the division."

The Board wants to ensure that clinical training programs are aware that foreign medical school students must be enrolled in a school that is recognized by the Board. Medical schools, recognized by the Board, have gone through a process to determine that their quality of education meets the applicable statutory and regulatory requirements.

2. Amend section 1327(a)(3) (Health Facility) – The proposed amendment to this section would add another continuing education accreditation agency for continuing education programs. This change would allow health facilities accredited by either the California Medical Association (CMA) or the Accreditation Council for Continuing Medical Education (ACCME) to apply to the Board.

## Factual Basis/Rationale

Currently, one of the specific criteria the Medical Board must take into account when approving clinical training programs for foreign medical students is to ensure that the health facility be accredited for continuing education programs by the CMA.

There are nationally recognized health facilities that cannot enroll foreign medical school students in their clinical training programs. These clinical training programs are not accredited by the CMA, but are accredited by the ACCME. Although, these health facilities are recognized worldwide and currently provide clinical training programs to medical students enrolled in U.S. medical schools, the current regulation precludes these health facilities from providing training to foreign medical school students.

The City of Hope has a strong interest in applying to the Medical Board's Division of Licensing for approval to train foreign medical students. The City of Hope is not accredited by the CMA, but is accredited by the ACCME. The City of Hope currently provides clinical training programs to medical students enrolled in medical schools in the United States, but cannot provide clinical training to medical students that attend foreign medical schools recognized by the Board. The City of Hope strives to promote medical education by supporting educational opportunities in research, and clinical fields for ACCME accredited residency programs in radiation oncology, hematopathology, hematology and medical oncology, and diabetes/endocrinology.

This amendment would allow the City of Hope, and other health facilities accredited by the ACCME, to apply to the Board for approval to administer clinical training programs in which students enrolled in an foreign medical school, recognized by the Board, may participate.

NOTE: The Board also is making non-substantive technical changes to reflect the statutorily changed structure of the Board and the elimination of the Division of

Licensing, changing "Division" to "Board." (AB 253 (Eng, Chapter 678, Statutes of 2007) combined the two divisions of the Board into one board.)

### Underlying Data

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

Since its establishment in 1981, the ACCME has been the national authority on accreditation for medical schools, state medical societies and national physician membership organizations and specialty societies. In fact, the California Medical Association, which currently accredits continuing education programs in accordance with the regulation, must hold an accreditation from ACCME to serve as the state's accrediting body. The ACCME's bylaws prohibit a Continuing Medical Education (CME) provider from obtaining or holding accreditation from a state medical society. When section 1327 was first promulgated ACCME did not exist.

### Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts/evidence/documents/testimony.

Any clinical training program that is currently accredited by ACCME will now be afforded the opportunity to request approval from the Board to enroll foreign medical students in the training programs.

### Specific Technologies or Equipment

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

### Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.





**Medical Board of California  
Clinical Training Programs for Foreign Medical Students  
Specific Language of Proposed Changes**

Amend section 1327 in Title 16 CCR to read as follows:

**1327. Criteria for Approval of Clinical Training Programs for Foreign Medical Students.**

(a) Pursuant to Section 2064 of the code a medical student enrolled in a foreign medical school recognized by the board may practice medicine in a clinical training program approved by the ~~division~~ Board. A clinical training program shall submit a written application for such approval and shall meet the following criteria:

- (1) Programs shall be conducted in health facilities accredited by the Joint Commission on the Accreditation of Healthcare Organizations.
- (2) Programs shall be under the direction of the director of a residency program approved pursuant to Section 1321 above or an active staff member who holds a faculty appointment from the clinical department of a California medical school approved by the ~~division~~ Board.
- (3) The health facility shall be accredited for continuing education programs by the California Medical Association or by the Accreditation Council for Continuing Medical Education.
- (4) The health facility shall have appropriate liability insurance for those medical students participating in the clinical training program approved under this section.
- (5) The program shall have a ratio of one (1) student per physician supervisor or one (1) student per two (2) residents in the training program. Such physician supervisor or resident shall participate directly in the training of and provision of medical services by the medical student.
- (6) The health facility shall not remunerate students for medical services rendered, but may provide room and board for students in the program.
- (7) The health facility may require a fee to cover necessary administrative costs.
- (8) A clinical training program in a specialty area shall not exceed twelve (12) weeks.

(9) The ~~division~~ Board determines on a case-by-case basis that a health facility has sufficient beds and occupancy by patients to provide medical students with clinical experience in the specialty area of the clinical training program.

(b) The application shall include the curriculum vitae of all individual preceptors and/or physician supervisors in the program.

(c) The health facility shall file with the ~~division~~ Board the names of those students accepted for training in the program. All students accepted shall have completed at least two (2) years of medical education and shall be in good academic standing.

(d) The approval of each clinical training program shall be for a period of one (1) year and may be renewed annually.

(e) Approval under this section shall not be required for clinical training to be taken in health facilities which are the site of a residency program approved under Section 1321, subs. (a), which is in family practice or the same clinical area as the student's training program, or in health facilities which have a major affiliation with a medical school which is approved under Section 1314, subs. (a).

Note: Authority cited: Section 2018, Business and Professions Code.  
Reference: Sections 2005 and 2064, Business and Professions Code.