

**MEDICAL BOARD OF CALIFORNIA**

**INITIAL STATEMENT OF REASONS**

**Hearing Date:** February 1, 2008

**Subject Matter of Proposed Regulations:**

1) Continuing Education Required

**Section Affected:** 1) Amend Section 1336 in Article 11 of Chapt. 1, Div.13

**Specific Purpose of each adoption, amendment, or repeal:**

This rulemaking 1) directs licensees to complete at least 50 hours of approved CME during the renewal cycle, the two-year period immediately preceding the expiration of the license, (which is equivalent to the current requirement of 25 hours per year for a total of 100 every four years) in order to renew the license, and 2) changes the calculation of CME hours from calendar year to renewal cycle.

**Factual Basis/Rationale:**

1) The Division of Licensing (Division) of the Medical Board of California has performed three audits of continuing medical education (CME) over the past few years. These audits have uncovered two issues causing confusion related to CME. One is regarding Title 16, California Code of Regulation (CCR) section 1336(d) that requires the licensee to complete 100 hours of CME during a four year period and the other is regarding Title 16, CCR section 1336(a) that requires the licensee complete an average of 25 hours of CME during each calendar year. The four year time period is not defined in the regulation, which allows for a random and varied calculation of the cumulative 100 hours that is further complicated by the requirement that the licensee complete an average of 25 hours of CME per calendar year. Additionally, licensees often calculate CME hours based upon their renewal cycle and expiration date, which is established not by calendar year, but by the licensee's birth month.

**Underlying Data**

None.

**Business Impact**

This regulation will not have a significant adverse economic impact on businesses.

This initial determination is based on the following facts or evidence/documents/testimony:

The proposed regulation amendments only clarify time periods for calculating CME hours for license renewal. There are no additional costs associated with these amendments.

### **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.

**California Code of Regulations, Title 16  
Medical Board of California  
Specific Language of Proposed Changes  
Continuing Education Requirements**

Section 1336 is amended to read:

**§ 1336. Continuing Education Required.**

(a) Each physician is required to complete not less than 50 ~~an average of at least 25~~ hours of approved continuing education during each two year period immediately preceding the expiration date of the license ~~calendar year~~. If an initial license was issued for less than 13 months, only 25 hours of continuing education must be completed.

(b) Each physician renewing his or her license under the provisions of Article 19 (commencing with Section 2420) of the Medical Practice Act may be required to submit proof satisfactory to the division of compliance with the provisions of this article a minimum of every four (4) years.

(c) Each physician in order to renew his or her license at each renewal thereof shall report progress towards compliance with the continuing education requirement.

(d) Any physician who ~~does not~~ ~~cannot~~ complete a minimum of 50~~100~~ hours of approved continuing education during the two-year period immediately preceding the expiration date of the license ~~a four (4) year period~~ shall be ineligible for renewal of his or her license under Section 1338 unless such physician applies for and obtains a waiver pursuant to Section 1339 below.

Note: Authority cited: Section 2018, Business and Professions Code. Reference: Sections 2005, 2190 and 2420, Business and Professions Code.

## TITLE 16. Medical Board of California

NOTICE IS HEREBY GIVEN that the Medical Board of California 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 the Westin Hotel - Los Angeles Airport, 5400 W Century Blvd., Los Angeles, CA 90045, at 9:00 a.m., on **February 1, 2008**. 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 **January 21, 2008**, or must be received by the Board at the hearing. The Medical Board of California, 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 Sections 2018 of the Business and Professions Code, and to implement, interpret or make specific Sections 2005, 2190 and 2420 of said Code, the Medical Board of California is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend section 1336 in Article 11 of Chapter 1, Division 13, relating to continuing medical education requirements. This rulemaking 1) directs licensees to complete at least 50 hours of approved CME during the renewal cycle, the two-year period immediately preceding the expiration of the license, (which is equivalent to the current requirement of 25 hours per year for a total of 100 every four years) in order to renew the license, and 2) changes the calculation of CME hours from calendar year to renewal cycle.

### 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 17561 Requires Reimbursement: None.

Business Impact:

The Medical Board of California 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.

The proposed regulation amendments only clarify time periods for calculating CME hours for license renewal. There are no additional costs associated with these amendments.

Impact on Jobs/New Businesses:

The Medical Board of California 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:

The Medical Board of California 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 Medical Board of California has determined that the proposed regulations would not affect small businesses.

The proposed regulation amendments clarify time periods for calculating CME hours for license renewal.

CONSIDERATION OF ALTERNATIVES

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 or would be as effective and less burdensome to affected private persons than the proposed action.

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 Medical Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

## 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 Medical Board of California at 1426 Howe Avenue, Suite 92, Sacramento, California 95825.

## 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 website listed below.

## CONTACT PERSON

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

Name: Kathi Burns  
Address: Medical Board of California  
1426 Howe Avenue, Suite 92  
Sacramento, CA 95825  
Telephone No.: (916) 263-2417  
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The backup contact person is:

Name: Kevin Schunke  
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Website Access: Materials regarding this proposal can be found at [www.mbc.ca.gov](http://www.mbc.ca.gov).