

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: October 15, 2019
ATTENTION: Members, Medical Board of California
SUBJECT: Status of Physician Assistant Board Regulations
Title 16 California Code of Regulations, Section 1399.545,
Supervision Required for Physician Assistants
FROM: Kerrie Webb, Senior Staff Counsel

REQUESTED ACTION:

After review and consideration make a motion to direct staff to withdraw the pending rulemaking on Title 16 of the California Code of Regulations (CCR), section 1399.545 regarding supervision required for physician assistants (PAs).

BACKGROUND

Existing law under 16 CCR section 1399.545 interprets Business and Professions Code (BPC) section 3502 and sets forth the authorized supervision mechanisms for PAs. Section 1399.545(e)(3) currently requires the supervising physician to review, countersign, and date a sample consisting of, at a minimum, five (5) percent of the medical records of patients treated by the PA functioning under adopted protocols within 30 days of the date of treatment by the PA. The regulation also requires the supervising physician to select for review those cases that by diagnosis, problem, treatment, or procedure represent, in his or her judgment, the most significant risk to the patient.

On January 18, 2018, the Medical Board of California (Board) approved proposed changes to section 1399.545 to update this regulation based on legislative changes. Board staff prepared the rulemaking file, which progressed through the review, notice, and hearing process. On October 9, 2019, however, the Governor signed Senate Bill (SB) 697 (Caballero, Chapter 707, Statutes of 2019), which significantly changes the law regarding PA supervision. Consequently, the proposed rulemaking on section 1399.545 will be outdated and inconsistent with the law as of January 1, 2020, and should be withdrawn.

STAFF RECOMMENDATION:

Staff recommends the Board grant authorization to withdraw the proposed rulemaking for 16 CCR section 1399.545.