

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: April 22, 2021
ATTENTION: Members, Medical Board of California
SUBJECT: Proposed Changes to Regulations Regarding
Postgraduate Training
STAFF CONTACT: Kerrie Webb, Staff Counsel

REQUESTED ACTION:

After review and consideration make a motion to approve the noticed language for Title 16 of the California Code of Regulations (CCR) section 1321 with the additional non-substantive changes required by the Office of Administrative Law (OAL) and authorize staff to make any additional non-substantive changes required to complete the rulemaking process without having to return to the Board.

BACKGROUND:

Senate Bill (SB) 798 (Hill, Chapter 775) made revisions related to postgraduate training and licensing requirements for physicians and surgeons effective January 1, 2020. Among other significant changes, the law modified the minimum requirements for postgraduate training so that all applicants for a physician's and surgeon's license would be required to successfully complete 36 months of Board-approved postgraduate training regardless of whether they attended a domestic or international medical school.

In response to these statutory changes, Board staff proposed amendments to 16 CCR sections 1320 and 1321, and the Board approved proposed language on August 9, 2019. Thereafter, Board staff prepared the rulemaking file, and in the process, made changes to the proposed text deemed necessary. Consequently, Board staff is bringing the proposed language for section 1321 back to the Board for review and approval, which is a necessary step for approval by OAL.

Existing law under 16 CCR section 1321 describes requirements for approved postgraduate training. The proposed amendments under CCR section 1321(a) changes this section to clarify that it would accept postgraduate training programs located in the United States and/or its territories, or in Canada that are accredited by the Accreditation Council of Graduate Medical Education (ACGME), the Royal College of Physicians and Surgeons of Canada, or the College of Family Physicians of Canada. This language, which adds approval of programs accredited by the College of Family Physicians of Canada (CFPC), has been modified from the original Board-approved language to strike the limitation that restricted acceptance of CFPC-accredited programs to only family medicine postgraduate training programs in Canada, as there is no such limitation under Business and Professions Code section 2096. Because this language aligns with statutory authority, OAL has deemed it non-substantive.

Further, in August 2019, the Board approved deleting the existing language under section 1321(c) regarding the requirement for applicants to be “formally admitted” into postgraduate training programs as being unnecessary and duplicative. After further consideration, however, staff determined that this section should be modified, rather than deleted, because it is important for applicants to know they must be formally admitted into a postgraduate training program to receive credit through this traditional licensing pathway.

The proposed text is attached for your review and consideration.

STAFF RECOMMENDATION:

Staff recommends the Board approve the noticed language for Title 16 of the California Code of Regulations (CCR) section 1321 with the additional non-substantive changes required by OAL and authorize staff to make any additional non-substantive changes required during the rulemaking process without returning to the Board.

PROPOSED TEXT AS NOTICED

(with some non-substantive changes incorporated)

Legend

Underlined Indicates proposed amendments or additions to the existing regulation.

~~Strikeout~~ Indicates proposed deletions to the existing regulation.

Amend Section 1321, Chapter 1, Article 6, Division 13, of Title 16 of the California Code of Regulations to read as follows:

§ 1321. Approved Postgraduate Training.

(a) Postgraduate training programs located in the United States and/or its territories, or in Canada that are accredited by ~~meeting the standards of the Accreditation Council on~~ for Graduate Medical Education, ~~or the Royal College of Physicians and Surgeons of Canada, or the College of Family Physicians of Canada,~~ shall be approved for the postgraduate training specified in Sections 2064.5, 2065, 2066, and 2096, 2102, and 2103 of the code.

~~(b) A current list of such programs shall be maintained on file in the Sacramento office of the division.~~

~~(e)~~(b) An applicant shall have been formally admitted to any approved postgraduate training program ~~which is completed~~ in order to qualify for licensure as a physician and surgeon. As used in this section, "formally admitted" means the applicant has met the program's requirements for admission to the program.~~programs.~~

~~(d)~~(c) An applicant shall have completed at least 24 one continuous months out of the required 36 months year of approved postgraduate training in a single program in order to qualify for licensure as a physician and surgeon. The one-year period required for postgraduate training may be interrupted in ~~cases~~ due to illness or hardship. ~~With respect to an applicant who qualifies for licensure by completing at least two years of approved postgraduate training, the second year shall be one continuous year in a single program, which may be the same or a different program than the first year. The second year may be interrupted in cases due to illness or hardship.~~

Note: Authority cited: Section 2018, Business and Professions Code. Reference: Sections ~~2005, 2037, 2064.5, 2065, 2066, and 2096, 2102 and 2103,~~ Business and Professions Code.