

**State of California
Office of Administrative Law**

**In re:
Medical Board of California**

Regulatory Action:

Title 16, California Code of Regulations

Amend sections: 1320, 1321

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3


OAL Matter Number: 2020-1230-02

OAL Matter Type: Regular (S)

In this regular rulemaking, the Medical Board of California proposes to amend regulations regarding postgraduate training for a medical school graduate attempting to qualify for a physician's and surgeon's license. The proposed amendments pertain to the postgraduate training exemption period, guest rotations, and approved postgraduate training.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 6/11/2021.

Date: June 11, 2021



**Steven J. Escobar
Senior Attorney**

**Original: Kimberly Kirchmeyer, Executive
Director**

**For: Kenneth J. Pogue
Director**

Copy: Kerrie Webb

REGULAR

See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z- 2020-0609-05	REGULATORY ACTION NUMBER 2020-1230-02S	EMERGENCY NUMBER
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ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUN 11 2021
1:15 P.M.

For use by Office of Administrative Law (OAL) only	
NOTICE	REGULATIONS

2020 DEC 30 A 9:28
OFFICE OF
ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY Medical Board of California	AGENCY FILE NUMBER (if any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2020, No. 25-2	PUBLICATION DATE 6/19/2020	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Postgraduate Training	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 1320 and 1321
	REPEAL
TITLE(S) 16	

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input checked="" type="checkbox"/> Other (Specify) Kimberly Kirchmeyer, Director, Department of Consumer Affairs		

7. CONTACT PERSON Kerrie Webb	TELEPHONE NUMBER (916) 263-2389	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Kerrie.Webb@mbc.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>William Prasifka</i> <small>(Signature Form-RA (Rev. 1, 2021) 15-18 P&T)</small>	DATE
TYPED NAME AND TITLE OF SIGNATORY William Prasifka, Executive Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 11 2021

Office of Administrative Law

Per agency's request: JE, 6/10/2021

**MEDICAL BOARD OF CALIFORNIA
SPECIFIC LANGUAGE
POSTGRADUATE TRAINING**

ORDER OF ADOPTION

- 1. Amend Section 1320, Chapter 1, Article 6, Division 13, of Title 16 of the California Code of Regulations to read as follows:**

§ 1320. Postgraduate Training Exemption Period; Guest Rotations.

(a) Except as otherwise provided in this section, all approved postgraduate training for which the applicant received credit shall count toward the two-year~~39-month~~ exemption period provided in Section 2065 and the three-year exemption period provided in Section 2066 of the code, including any training obtained within or outside of California, whether a full or partial year of training and regardless of whether the postgraduate training program was successfully completed.

(b) ~~Notwithstanding~~ Notwithstanding the provisions of subsection (a), a person may participate in guest rotations in an approved postgraduate training program in California, not to exceed a total of 90 days for all rotations, if the person has graduated from a medical school that ~~has either been approved pursuant to Section 2084 of the code by the division or recognized by the division as equivalent to an approved medical school~~ and is engaged in approved postgraduate training outside of California.

Note: Authority cited: Section 2018, Business and Professions Code. Reference: Sections 2037, 2064.5, 2065, 2066, 2084, 2096, 2102, 2103, 2135 and 2428, Business and Professions Code.

- 2. 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.~~

~~(c)~~(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.