

Division 13.8. Physician Assistant ~~Examining Committee~~ Board
of the ~~Medical Board~~ of California

Article 1. General Provisions

The Physician Assistant Board hereby amends its regulations in Division 13.8 of Title 16 of the California Code of Regulations to read as follows:

1. Section 1399.501 is amended to read:

1399.501. Location of Office.

The principal offices of the Physician Assistant ~~Board~~ Committee are located at 2005 Evergreen Street, Suite 1100, Sacramento, California 95815.

Note: Authority cited: Section 3510, Business and Professions Code. Reference: Section 2019, Business and Professions Code.

2. Section 1399.502 is amended to read:

1399.502. Definitions.

For the purposes of the regulations contained in this chapter, the terms

(a) "Board" means Physician Assistant Board. or "Division" ~~means the Division of Licensing of the Medical Board of California.~~

(b) ~~"Committee" means the Physician Assistant Committee.~~

(b) ~~(c)~~ "Code" means the Business and Professions Code.

(c) ~~(d)~~ "Physician assistant" means a person who is licensed by the board ~~committee~~ as a physician assistant.

(d) ~~(e)~~ "Trainee" means a person enrolled and actively participating in an approved program of instruction for physician assistants.

(e) ~~(f)~~ "Approved program" means a program for the education and training of physician assistants which has been approved by the board committee.

(f) ~~(g)~~ "Supervising physician" and "physician supervisor" mean a physician licensed by the Medical Board of California ~~division~~ or a physician licensed by the Osteopathic Medical Board of California.

(g) ~~(h)~~ "Approved controlled substance education course" means an educational course approved by the board committee pursuant to section 1399.610.

Note: Authority cited: Section 3510, Business and Professions Code. Reference: Section 3510, Business and Professions Code.

3. Section 1399.503 is amended to read:

1399.503. Delegation of Functions.

Except for those powers reserved exclusively to the "agency itself" under the Administrative Procedure Act, Section 11500, et seq. of the Government Code, the ~~board division~~ or the ~~Medical B~~board of ~~California~~ ~~committee~~, as the case may be, delegates and confers upon the executive officer of the ~~board~~ ~~Committee~~, or in his or her absence, the designee of the executive officer, all functions necessary to the dispatch of business of the ~~board division~~ and ~~Medical B~~board of ~~California~~ ~~Committee~~ in connection with investigative and administrative proceedings under their jurisdiction, including, the ability to accept default decisions and to approve settlement agreements for the surrender or interim suspension of a license.

Note: Authority cited: Sections 2018 and 3510, Business and Professions Code. Reference: Sections 3528 and 3529, Business and Professions Code; and Section 11415.60, Government Code.

4. Section 1399.506 is amended to read:

1399.506. Filing of Applications.

(a) Applications for licensure as a physician assistant shall be filed on a form provided by the ~~board~~ ~~committee~~ at its Sacramento office and accompanied by the fee required in section 1399.550.

(b) Applications for approval of programs for the education and training of physician assistants shall be filed on a form provided by the ~~board~~ ~~committee~~ at its Sacramento office and accompanied by the fee required in section 1399.556.

Note: Authority cited: Sections 2018, ~~and~~ 3510 ~~and 3514~~, Business and Professions Code. Reference: Sections 3509, ~~and~~ 3513 ~~and 3514~~, Business and Professions Code.

5. Section 1399.507 is amended to read:

1399.507. Examination Required.

The written examination for licensure as a physician assistant is that administered by the National Commission on Certification of Physician Assistants. Successful completion requires that the applicant have achieved the passing score established by the ~~board~~ ~~committee~~ for that examination. It is the responsibility of the applicant to ensure that certification of his or her examination score is received by the ~~board~~ ~~committee~~.

Note: Authority cited: Section 3510, Business and Professions Code. Reference: Sections 851, 3515 and 3517, Business and Professions Code.

6. Section 1399.507.5 is amended to read:

1399.507.5. Physical or Mental Examination of Applicants.

In addition to any other requirements for licensure, whenever it reasonably appears that an applicant for a license may be unable to perform as a physician assistant safely because the applicant's ability to perform may be impaired due to mental illness or physical illness affecting competency, the ~~board~~ ~~Committee~~ may require the applicant to be examined by one or more physicians and surgeons or psychologists designated by the ~~board~~ ~~Committee~~. The applicant shall pay the full cost of such examination. An applicant's failure to comply with the requirement shall render his or her application incomplete. The report of the evaluation shall be made available to the applicant. If after receiving the

evaluation report the board ~~Committee~~ determines that the applicant is unable to safely practice, the board ~~Committee~~ may deny the application.

Note: Authority cited: Sections 3504.1 and 3510, Business and Professions Code. Reference: Sections 3514.1 and 3519.5, Business and Professions Code.

7. Section 1399.5011 is amended to read:

1399.511. Notice of Change of Address.

(a) Each person or approved program holding a license or approval and each person or program who has an application on file with the board ~~or the committee~~ shall notify the board ~~committee~~ at its office of any and all changes of mailing address within thirty (30) calendar days after each change, giving both the old and new address.

(b) If an address reported to the board ~~committee~~ is a post office box, the licensee shall also provide the board ~~committee~~ with a street address, but he or she may request that the second address not be disclosed to the public.

Note: Authority cited: Sections 3510 and ~~3514~~, Business and Professions Code. Reference: Sections 136, ~~3514~~ and 3522, Business and Professions Code.

8. Section 1399.5012 is amended to read:

1399.512. Review of Physician Assistant Applications; Processing Time.

~~(a) The committee shall inform an applicant for licensure as a physician assistant in writing within 28 days of receipt of an application whether the application is complete and accepted for filing or is deficient and what specific information is required.~~

~~(b) The committee shall inform an applicant for licensure as a physician assistant within 10 days after completion of the application, of its decision whether the applicant meets the requirements for licensure. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant.~~

~~(c) The minimum, median and maximum processing time for an application for licensure as a physician assistant from the time of receipt of the initial application until the committee makes a final decision on the application has been:~~

~~(1) Minimum 4 days~~

~~(2) Median 128 days~~

~~(3) Maximum 994 days~~

~~(d) An applicant shall be deemed to have abandoned his or her licensure application if the application is not completed or if requested documents or information are not provided or if required fees are not paid, within one year from the date of filing or written request by the committee. An application submitted subsequent to an abandoned application shall be treated as a new application.~~

Note: Authority cited: Sections 3510 and 3514, Business and Professions Code; and Section 15376, Government Code. Reference: Section 3514, Business and Professions Code; and Section 15376, Government Code.

9. Section 1399.520 is amended to read:

1399.520. Practice as a Physician Assistant.

No person shall practice as a physician assistant in this state unless he or she is a trainee or is licensed to practice as a physician assistant by the board committee.

Note: Authority cited: Section 3510, Business and Professions Code. Reference: Section 2052, 2061, 3515 and 3517, Business and Professions Code.

10. Section 1399.521 is amended to read:

1399.521. Denial, Suspension or Revocation of a Physician Assistant License.

In addition to the grounds set forth in section 3527, subd. (a), of the code the board committee may deny, issue subject to terms and conditions, suspend, revoke or place on probation a physician assistant for the following causes:

(a) Any violation of the State Medical Practice Act which would constitute unprofessional conduct for a physician and surgeon.

(b) Using fraud or deception in passing an examination administered or approved by the board committee.

(c) Practicing as a physician assistant under a physician who has been prohibited by the Medical Board of California division or the Osteopathic Medical Board of California from supervising physician assistants.

(d) Performing medical tasks which exceed the scope of practice of a physician assistant as prescribed in these regulations.

Note: Authority cited: Section 3510, Business and Professions Code. Reference: Section 3527, Business and Professions Code.

11. Section 1399.521.5 is amended to read:

1399.521.5. Unprofessional Conduct.

In addition to the conduct described in Section 3527 of the Code, "unprofessional conduct" also includes the following:

(a) Including or permitting to be included any of the following provisions in an agreement to settle a civil dispute arising from the licensee's practice to which the licensee is or expects to be named as a party, whether the agreement is made before or after the filing of an action:

(1) A provision that prohibits another party to the dispute from contacting, cooperating, or filing a complaint with the board Committee.

(2) A provision that requires another party to the dispute to attempt to withdraw a complaint the party has filed with the board Committee.

(b) Failure to provide to the board Committee, as directed, lawfully requested copies of documents within 15 days of receipt of the request or within the time specified in the request, whichever is later, unless the licensee is unable to provide the documents within this time period for good cause, including but not limited to, physical inability to access the records in the time allowed due to illness or travel. This subsection shall not apply to a licensee who does not have access to, and control over, medical records.

(c) The commission of any act of sexual abuse or misconduct.

(d) Failure to cooperate and participate in any board Committee investigation pending against the licensee. This subsection shall not be construed to deprive a licensee of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. This subsection shall not be construed to require a licensee to cooperate with a request that would require the licensee to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the licensee's practice. Any exercise by a licensee of any constitutional or statutory privilege shall not be used against the licensee in a regulatory or disciplinary proceeding against the licensee.

(e) Failure to report to the board Committee within 30 days any of the following:

(1) The bringing of an indictment or information charging a felony against the licensee.

(2) The arrest of the licensee.

(3) The conviction of the licensee, including any verdict of guilty, or pleas of guilty or no contest, of any felony or misdemeanor.

(4) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.

(f) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board Committee.

Note: Authority cited: Section 3510, Business and Professions Code. Reference: Sections 3504.1 and 3510, Business and Professions Code.

12. Section 1399.523 is amended to read:

1399.523. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedures Act (Government Code Section 11400 et seq.), the Physician Assistant Board Committee shall consider the disciplinary guidelines entitled "Physician Assistant Board Committee Manual of Model Disciplinary Guidelines and Model Disciplinary Orders" 3rd Edition 2007, which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Physician Assistant Board Committee, in its sole discretion, determines that the facts of the particular case warrant such a deviation-for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Notwithstanding the disciplinary guidelines, any proposed decision issued in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that the licensee engaged in any act of sexual contact, as defined in subdivision (c) of Section 729 of the Code, with a patient, or any finding that the licensee has committed a sex offense or been convicted of a sex offense as defined in Section 44010 of the Education Code, shall contain an order revoking the license. The proposed decision shall not contain an order staying the revocation of the license.

Note: Authority cited: Sections 3510, 3527, 3528, 3529, 3530, 3531, 3532 and 3533, Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 11400.20 and 11425.50(e), Government Code; and Sections 729, 3527, 3528, 3529, 3530, 3531, 3532 and 3533, Business and Professions Code.

13. Section 1399.523.5 is amended to read:

1399.523.5. Required Actions Against Registered Sex Offenders.

(a) Except as otherwise provided, if an individual is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, or military or federal law, the board ~~Committee~~ shall:

(1) Deny an application by the individual for licensure, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) Promptly revoke the license of the individual, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and shall not stay the revocation nor place the license on probation.

(3) Deny any petition to reinstate or reissue the individual's license.

(b) This section shall not apply to any of the following:

(1) An individual who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that required registration; provided, however, that nothing in this paragraph shall prohibit the board ~~Committee~~ from exercising its discretion to deny or discipline a licensee under any other provision of state law.

(2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code; provided, however, that nothing in this paragraph shall prohibit the board ~~Committee~~ from exercising its discretion to deny or discipline a licensee under any other provision of state law based upon the licensee's conviction under section 314 of the Penal Code.

(3) Any administrative proceeding that is fully adjudicated prior to the effective date of this regulation. A petition for reinstatement of a revoked or surrendered license shall be considered a new proceeding for purposes of this paragraph, and the prohibition in subsection (a) against reinstating a license shall govern.

Note: Authority cited: Section 3510, Business and Professions Code. Reference: Sections 3504.1, 3510, 3527, 3528, 3530 and 3531, Business and Professions Code.

14. Section 1399.526 is amended to read:

1399.526. Rehabilitation Criteria for Denials and Reinstatements.

(a) When considering the denial of a license under section 480 of the code, the ~~committee or the board, as the case may be,~~ in evaluating the rehabilitation of the applicant and his or her present eligibility for a license, shall consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial under section 480 of the code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subsection (a) or (b).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering a petition for reinstatement of a license under the provisions of section 11522 of the Government Code, the ~~committee or board, as the case may be,~~ shall evaluate evidence of rehabilitation submitted by the petitioner considering those criteria specified in this section.

Note: Authority cited: Sections 482, 2018 and 3510, Business and Professions Code. Reference: Sections 482, 3527 and 3531, Business and Professions Code.

15. Section 1399.527 is amended to read:

1399.527. Rehabilitation Criteria for Suspensions and Revocations.

When considering the suspension or revocation of a license on the ground that a person holding a license under the Physician Assistant Practice Act has been convicted of a crime, the ~~committee or the board, as the case may be,~~ in evaluating the rehabilitation of such person and his or her eligibility for a license shall consider the following criteria:

(a) The nature and severity of the act(s) or offense(s).

(b) The total criminal record.

(c) The time that has elapsed since commission of the act(s) or offense(s).

(d) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against such person.

(e) If applicable, evidence of expungement proceedings pursuant to section 1203.4 of the Penal Code.

(f) Evidence, if any of rehabilitation submitted by the licensee.

Note: Authority cited: Sections 482, 2018 and 3510, Business and Professions Code. Reference: Sections 482, 3527 and 3531, Business and Professions Code.

16. Section 1399.530 is amended to read:

1399.530. General Requirements for an Approved Program.

(a) A program for instruction of physician assistants shall meet the following requirements for approval:

(1) The educational program shall be established in educational institutions accredited by an accrediting agency recognized by Council for Higher Education Accreditation ("CHEA") or its successor organization, or the U.S. Department of Education, Division of Accreditation, which are affiliated with clinical facilities that have been evaluated by the educational program.

(2) The educational program shall develop an evaluation mechanism to determine the effectiveness of its theoretical and clinical program.

(3) Course work shall carry academic credit; however, an educational program may enroll students who elect to complete such course work without academic credit.

(4) The medical director of the educational program shall be a physician who holds a current license to practice medicine from any state or territory of the United States or, if the program is located in California, holds a current California license to practice medicine.

(5) The educational program shall require a three-month preceptorship for each student in the outpatient practice of a physician or equivalent experience which may be integrated throughout the program or may occur as the final part of the educational program in accordance with Sections 1399.535 and 1399.536.

(6) Each program shall submit an annual report regarding its compliance with this section on a form provided by the board committee.

(b) Those educational programs accredited by the Accreditation Review Commission on Education for the Physician Assistant ("ARC-PA") shall be deemed approved by the board committee. Nothing in this section shall be construed to prohibit the board committee from disapproving an educational program which does not comply with the requirements of this article. Approval under this section terminates automatically upon termination of an educational program's accreditation by ARC-PA.

Note: Authority cited: Section 3510, Business and Professions Code. Reference: Sections 3509 and 3513, Business and Professions Code.

17. Section 1399.540 is amended to read:

1399.540. Limitation on Medical Services.

(a) A physician assistant may only provide those medical services which he or she is competent to perform and which are consistent with the physician assistant's education, training, and experience, and which are delegated in writing by a supervising physician who is responsible for the patients cared for by that physician assistant.

(b) The writing which delegates the medical services shall be known as a delegation of services agreement. A delegation of services agreement shall be signed and dated by the physician assistant and each supervising physician. A delegation of services agreement may be signed by more than one supervising physician only if the same medical services have been delegated by each supervising physician. A physician assistant may provide medical services pursuant to more than one delegation of services agreement.

(c) The board committee or Medical Board of California division or their representative may require proof or demonstration of competence from any physician assistant for any tasks, procedures or management he or she is performing.

(d) A physician assistant shall consult with a physician regarding any task, procedure or diagnostic problem which the physician assistant determines exceeds his or her level of competence or shall refer such cases to a physician.

Note: Authority cited: Sections 2018, 3502 and 3510, Business and Professions Code. Reference: Section 3502, Business and Professions Code.

18. Section 1399.543 is amended to read:

1399.543. Training to Perform Additional Medical Services.

A physician assistant may be trained to perform medical services which augment his or her current areas of competency in the following settings:

(a) In the physical presence of a supervising physician who is directly in attendance and assisting the physician assistant in the performance of the procedure;

- (b) In an approved program;
- (c) In a medical school approved by the Medical Board of California ~~Division of Licensing~~ under Section 1314;
- (d) In a residency or fellowship program approved by the Medical Board of California ~~Division of Licensing~~ under Section 1321;
- (e) In a facility or clinic operated by the Federal government;
- (f) In a training program which leads to licensure in a healing arts profession or is approved as Category I continuing medical education or continuing nursing education by the Board of Registered Nursing.

Note: Authority cited: Sections 2018 and 3502, Business and Professions Code. Reference: Section 3502, Business and Professions Code.

19. Section 1399.545 is amended to read:

1399.545. Supervision Required.

- (a) A supervising physician shall be available in person or by electronic communication at all times when the physician assistant is caring for patients.
- (b) A supervising physician shall delegate to a physician assistant only those tasks and procedures consistent with the supervising physician's specialty or usual and customary practice and with the patient's health and condition.
- (c) A supervising physician shall observe or review evidence of the physician assistant's performance of all tasks and procedures to be delegated to the physician assistant until assured of competency.
- (d) The physician assistant and the supervising physician shall establish in writing transport and back-up procedures for the immediate care of patients who are in need of emergency care beyond the physician assistant's scope of practice for such times when a supervising physician is not on the premises.
- (e) A physician assistant and his or her supervising physician shall establish in writing guidelines for the adequate supervision of the physician assistant which shall include one or more of the following mechanisms:
 - (1) Examination of the patient by a supervising physician the same day as care is given by the physician assistant;
 - (2) Countersignature and dating of all medical records written by the physician assistant within thirty (30) days that the care was given by the physician assistant;
 - (3) The supervising physician may adopt protocols to govern the performance of a physician assistant for some or all tasks. The minimum content for a protocol governing diagnosis and management as referred to in this section shall include the presence or absence of symptoms, signs, and other data necessary to establish a diagnosis or assessment, any appropriate tests or studies to order, drugs to recommend to the patient, and education to be given the patient. For protocols governing procedures, the protocol shall state the information to be given the patient, the nature of the consent to be obtained from the patient, the preparation and technique of the procedure, and the follow-up care. Protocols shall be developed by the physician, adopted from, or referenced to, texts or other sources. Protocols shall be signed and dated by the supervising physician and the physician assistant. The supervising physician shall review, countersign, and date a minimum of 5% sample of medical records of patients treated by the physician assistant functioning under these protocols within thirty (30) days.

The physician shall select for review those cases which by diagnosis, problem, treatment or procedure represent, in his or her judgment, the most significant risk to the patient;

(4) Other mechanisms approved in advance by the board committee.

(f) The supervising physician has continuing responsibility to follow the progress of the patient and to make sure that the physician assistant does not function autonomously. The supervising physician shall be responsible for all medical services provided by a physician assistant under his or her supervision.

Note: Authority cited: Sections 2018, 3502 and 3510, Business and Professions Code. Reference: Sections 3502 and 3516, Business and Professions Code.

20. Section 1399.547 is amended to read:

1399.547. Notification to Consumers.

(a) A licensee engaged in providing medical services shall provide notification to each patient of the fact that the licensee is licensed and regulated by the board committee. The notification shall include the following statement and information:

NOTIFICATION TO CONSUMERS

Physician assistants are licensed and regulated

by the Physician Assistant Board Committee

(916) 561-8780

www.pac.ca.gov

(b) The notification required by this section shall be provided by one of the following methods:

(1) Prominently posting the notification in an area visible to patients on the premises where the licensee provides the licensed services, in which case the notice shall be in at least 48-point type in Arial font.

(2) Including the notification in a written statement, signed and dated by the patient or the patient's representative and retained in that patient's medical records, stating the patient understands the physician assistant is licensed and regulated by the board committee.

(3) Including the notification in a statement on letterhead, discharge instructions, or other document given to a patient or the patient's representative, where the notice is placed immediately above the signature line for the patient in at least 14-point type.

Note: Authority cited: Section 3510, Business and Professions Code. Reference: Section 138, Business and Professions Code.

21. Section 1399.557 is amended to read:

1399.557. Diversion Program Participation Fee.

(a) Licensees required to participate in the diversion program as a condition of probation shall pay the full amount of the monthly participation fee charged by the contractor. Licensees voluntarily enrolling in the diversion program shall pay 75% of the monthly participation fee charged by the contractor. Each participant shall pay any and all other costs associated with the diversion program directly to the

contractor, including, but not limited to, biological fluid test collection and sampling fees, support group fees, or subsequent evaluations.

(b) The ~~board Committee~~ may require the licensee to pay his or her share of the monthly participation fee directly to any contractor providing such services.

(c) This section shall apply to licensees who enter or re-enter diversion on or after the effective date of this section.

Note: Authority cited: Section 3510, Business and Professions Code. Reference: Section 3534.8, Business and Professions Code.

22. Section 1399.570 is amended to read:

1399.570. Authority to Issue Citations and Fines.

(a) For purposes of this article, "executive officer" shall mean the executive officer of the board ~~committee~~.

(b) The executive officer is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines for violations by a licensed physician assistant of the statutes and regulations referred to in Section 1399.571.

(c) A citation shall be issued whenever any fine is levied or any order of abatement is issued. Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statute or regulations alleged to have been violated. The citation shall be served upon the individual personally or by certified mail return receipt requested.

Note: Authority cited: Sections 125.9, 148 and 3510, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

23. Section 1399.571 is amended to read:

1399.571. Citable Offenses.

(a) The executive officer shall consider the following factors when determining the amount of an administrative fine:

(1) The good or bad faith exhibited by the cited person.

(2) The nature and severity of the violation.

(3) Evidence that the violation was willful.

(4) History of violations of the same or similar nature.

(5) The extent to which the cited person has cooperated with the board ~~committee~~.

(6) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation.

(7) Such other matters as justice may require.

(b) The executive officer may issue a citation under section 1399.570 for a violation of any of the following:

(1) The Physician Assistant Practice Act (Business and Professions Code section 3500 et seq.).

(2) A regulation adopted by the board committee.

(3) Any other statute or regulation upon which the board committee may base a disciplinary action.

The fine for a violation shall be from \$100 to \$5000.

(c) In his or her discretion, the executive officer may issue a citation with an order of abatement without levying a fine for the first violation of any provision set forth above.

(d) For the issuance of a citation that includes an administrative fine in excess of \$2,500, including a citation issued pursuant to Section 1399.573, the executive officer shall determine that at least one of the following circumstances apply:

(1) The citation involves a violation that presents an immediate threat to the health and safety of another person.

(2) The citation involves multiple violations of the provisions specified in subdivision (b) that demonstrate a willful disregard of the law.

(3) The citation involves a violation or violations perpetrated against a senior citizen, a person under 18 years of age, or disabled person.

Note: Authority cited: Sections 125.9, 148 and 3510, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

24. Section 1399.572 is amended to read:

1399.572. Compliance with Orders of Abatement.

(a) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, the person cited may request an extension of time in which to complete the correction from the executive officer. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) When an order of abatement is not contested or if the order is appealed and the person cited does not prevail, failure to abate the violation charged within the time allowed shall constitute a violation and a failure to comply with the order of abatement. An order of abatement shall either be personally served or mailed by certified mail, return receipt requested. The time allowed for the abatement of a violation shall begin when the order of abatement is final and has been served or received. Such failure may result in disciplinary action being taken by the board committee or other appropriate judicial relief being taken against the person cited.

Note: Authority cited: Sections 125.9, 148 and 3510, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

25. Section 1399.610 is amended to read:

1399.610. Requirements for an Approved Controlled Substance Education Course to Administer, Provide or Issue a Drug Order for Schedule II-V Controlled Substances Without Advance Approval from a Supervising Physician.

A controlled substance education course shall be deemed approved by the board committee if it meets all of the following criteria:

(a) The course includes all of the following learning objectives:

(1) Describes the applicable federal and state laws and regulations pertaining to the provision, administration and furnishing of controlled substances and the legal and professional relationship between a physician assistant and his or her supervising physician.

(A) This objective shall include a description of the applicable patient charting requirements and the use of secure drug order forms.

(2) Assessment strategies for the recognition, prevention and management of acute and chronic pain.

(3) Comparison of efficacy data and safety profiles which influence the selection, usage and conversion of pharmacological agents.

(4) The evaluation and comparison of the safety and efficacy profiles of controlled substances and the clinical rationale for their use.

(5) Describes disorders routinely requiring a therapeutic regimen of controlled substances for clinical management.

(6) Assessment of a controlled substance's potential for abuse and addiction, its psychosocial aspects, the recognition of the symptoms (including controlled substance-seeking behaviors) thereof and medically appropriate alternatives, if any,

(7) Evaluation of the response and compliance of the patient to the controlled substances.

(8) Provision of appropriate patient education regarding controlled substances. For the purposes of this subdivision, "controlled substances" means Schedule II through Schedule V controlled substances.

(b) The course includes a comprehensive written examination, proctored by the course provider at the conclusion of the course, of the material presented. The licensee must successfully complete the examination to receive a certificate of completion issued pursuant to subdivision (b) of section 1399.612.

(c) The course is at least six (6) hours in duration, of which a minimum of three (3) hours shall be exclusively dedicated to Schedule II controlled substances. A course provider shall not include the time for the written examination specified in subdivision (b) in the (6) six hour requirement. The course shall be completed on or after January 1, 2008.

(d) The course is provided by one of following entities:

(1) A physician assistant program approved by the board ~~Committee~~ in accordance with section 1399.530.

(2) A continuing education provider approved by the Medical Board of California for Category I continuing medical education.

(3) A Category I continuing education provider approved by American Academy of Physician Assistants.

(4) A Category I continuing education provider approved by the American Medical Association, the California Medical Association and/or the American Osteopathic Association.

Note: Authority cited: Sections 3502, 3502.1 and 3510, Business and Professions Code. Reference: Sections 2058, 3502, 3502.1 and 3509, Business and Professions Code.

26. Section 1399.612 is amended to read:

1399.612. Responsibilities of Course Providers and Attendees.

(a) A course provider of any controlled substance educational course intended to meet the requirements of section 1399.610 shall use qualified instructors and shall provide course attendees with a written course outline or syllabus, as applicable. For the purposes of this section, a qualified instructor is a person who holds a current valid license to practice in the appropriate healing arts discipline, is free from any disciplinary action by the applicable licensing jurisdiction, and is knowledgeable, current and skilled in the subject matter of the course, as evidenced through either of the following:

(1) Experience in teaching similar subject matter content within two years immediately preceding the course; or,

(2) Has at least one year experience within the last two years in the specialized area in which he or she is teaching.

(b) A controlled substance course provider shall issue a certificate of completion to each licensee who has successfully completed the course. A certificate of completion shall include the following information:

(1) Name and license number of the physician assistant.

(2) Course title and each instructor's name.

(3) Provider's name and address.

(4) Date of course completion.

(c) A controlled substance education course provider shall retain the following records for a period of four years in one location within the State of California or in a place approved by the board ~~Committee~~:

(1) Course outlines of each course given.

(2) The date and physical location for each course given.

(3) The examination proctored at the conclusion of each course and the score of each physician assistant who took the examination.

(4) Course instructor curriculum vitae or resumes.

(5) The name and license number of each physician assistant taking an approved course and a record of any certificate of completion issued to a physician assistant.

A course provider shall make the records specified above available to the board ~~Committee~~ upon request. A course provider may retain the records required by this subdivision in an electronic format.

(d) A physician assistant shall make his or her certificate of completion available for inspection upon the request of his or her employer or prospective employer, supervising physician or the board ~~Committee~~.

Note: Authority cited: Sections 3502 and 3510, Business and Professions Code. Reference: Sections 2058, 3502, 3502.1 and 3509, Business and Professions Code.

27. Section 1399.5616 is amended to read:

1399.616. Approved Continuing Medical Education Programs.

(a) Programs are approved by the board committee for continuing medical education if they are designated as Category I (Preapproved) by one of the following sponsors:

- (1) American Academy of Physician Assistants (AAPA).
 - (2) American Medical Association (AMA).
 - (3) American Osteopathic Association Council on Continuing Medical Education (AOACCME).
 - (4) American Academy of Family Physicians (AAFP).
 - (5) Accreditation Council for Continuing Medical Education (ACCME).
 - (6) A state medical society recognized by the ACCME.
- (b) Continuing medical education obtained from a program other than those specified in subdivision (a) shall not satisfy the continuing education requirement in subdivision (a) of section 1399.615.

Note: Authority cited: Section 3510, Business and Professions Code. Reference: Section 3524.5, Business and Professions Code.

28. Section 1399.617 is amended to read:

1399.617. Audit and Sanctions for Noncompliance.

(a) The board Committee may audit a random sample of physician assistants who have reported compliance with the continuing medical education requirement. Those physician assistants selected for audit shall be required to document their compliance with the continuing medical education requirements of this article and shall be required to provide to the board Committee the records retained pursuant to subdivision (e) of section 1399.615, except that a physician assistant who complies with the continuing medical education requirements of certification by the National Commission on Certification of Physician Assistants need not provide such records if the board Committee may obtain the records directly from the Commission.

(b) It shall constitute unprofessional conduct for any physician assistant to misrepresent his or her compliance with the provisions of this article.

(c) In addition to any enforcement action, any physician assistant who was found not to have completed the required number of hours of approved continuing medical education or was found not to hold a valid certification from the National Commission on Certification of Physician Assistants at the time of renewal will be required to make up any deficiency during the next biennial renewal period. Such physician assistant shall document to the board Committee the completion of any deficient hours identified by the audit. Any physician assistant who fails to make up the deficient hours during the following renewal period shall be ineligible for renewal of his or her license to perform medical services until such time as the deficient hours of continuing medical education are documented to the board Committee.

Note: Authority cited: Section 3510, Business and Professions Code. Reference: Section 3524.5, Business and Professions Code.

29. Section 1399.618 is amended to read:

1399.618. Waiver of Continuing Medical Education Requirement.

(a) The board Committee or its designee may, in its discretion, exempt a licensee from the continuing medical education requirements for a renewal cycle, if the licensee cannot meet those requirements for reasons of health, military service, or undue hardship.

(b) Any licensee whose application for a waiver is denied by the board Committee, shall be ineligible for active renewal of his or her license to perform medical services unless the licensee complies with the provisions of Section 1399.615.

Note: Authority cited: Section 3510, Business and Professions Code. Reference: Section 3524.5, Business and Professions Code.

30. Section 1399.619 is amended to read:

1399.619. Inactive Status.

(a) Upon written request, the board Committee may grant inactive status to a licensee if, at the time of application for inactive status, the license is current and not suspended, revoked, or otherwise punitively restricted by the board Committee.

(b) A licensee who is inactive shall not engage in any activity for which a license is required.

(c) An inactive license shall be renewed during the same time period in which an active license is renewed. Any continuing medical education requirements for renewing a license are waived.

(d) The renewal fee for an inactive license is the same as the fee to renew an active license.

(e) To restore an inactive license to an active status, the holder shall do both of the following:

1) Pay the renewal fee.

2) Complete continuing medical education equivalent to that required for a single renewal period of an active license within the last two years prior to applying to restore the license to active status.

(f) The inactive status of any licensee does not deprive the board Committee of its authority to institute or continue any disciplinary or enforcement action against the licensee.

(g) A license may be placed in inactive status if the licensee applies for renewal and pays all applicable fees, but fails to comply with the continuing medical education requirements of this article.

Note: Authority cited: Section 3510, Business and Professions Code. Reference: Sections 118, 700-704, 3510, 3523, 3524 and 3524.5, Business and Professions Code.