

PHYSICIAN ASSISTANT COMMITTEE  
SPECIFIC LANGUAGE OF PROPOSED CHANGES

1. Section 1399.502 of title 16 of the California Code of Regulations is amended to read as follows:

§ 1399.502. Definitions.

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

- (a) "Board" means the ~~Division of Licensing of the~~ Medical Board of California.
- (b) "Committee" means the Physician Assistant Committee.
- (c) "Code" means the Business and Professions Code.
- (d) "Physician assistant" means a person who is licensed by the committee as a physician assistant.
- (e) "Trainee" means a person enrolled and actively participating in an approved program of instruction for physician assistants.
- (f) "Approved program" means a program for the education and training of physician assistants which has been approved by the committee.
- (g) "Supervising physician" and "physician supervisor" mean a physician licensed by the ~~division~~ Board or a physician licensed by the Osteopathic Medical Board of California.
- (h) "Approved controlled substance education course" means an educational course approved by the Committee pursuant to section 1399.610.

Note: Authority cited: Section 3502.1, 3510, Business and Professions Code. Reference: Section 3502.1, 3510, Business and Professions Code.

2. Section 1399.541 of title 16 of the California Code of Regulations is amended to read:

1399.541. Medical Services Performable

Because physician assistant practice is directed by a supervising physician, and a physician assistant acts as an agent for that physician, the orders given and tasks performed by a physician assistant shall be considered the same as if they had been given and performed by the supervising physician. Unless otherwise specified in these regulations or in the delegation of services agreement or protocols, these orders may be initiated without the prior patient specific order of the supervising physician.

In any setting, including for example, any licensed health facility, out-patient settings, patients' residences, residential facilities, and hospices, as applicable, a physician assistant may, pursuant to a delegation and protocols where present:

- (a) Take a patient history; perform a physical examination and make an assessment and diagnosis therefrom; initiate, review and revise treatment and therapy plans including plans for those services described in Section 1399.541(b)

through Section 1399.541(i) inclusive; and record and present pertinent data in a manner meaningful to the physician.

(b) Order or transmit an order for x-ray, other studies, therapeutic diets, physical therapy, occupational therapy, respiratory therapy, and nursing services.

(c) Order, transmit an order for, perform, or assist in the performance of laboratory procedures, screening procedures and therapeutic procedures.

(d) Recognize and evaluate situations which call for immediate attention of a physician and institute, when necessary, treatment procedures essential for the life of the patient.

(e) Instruct and counsel patients regarding matters pertaining to their physical and mental health. Counseling may include topics such as medications, diets, social habits, family planning, normal growth and development, aging, and understanding of and long-term management of their diseases.

(f) Initiate arrangements for admissions, complete forms and charts pertinent to the patient's medical record, and provide services to patients requiring continuing care, including patients at home.

(g) Initiate and facilitate the referral of patients to the appropriate health facilities, agencies, and resources of the community.

(h) Administer or provide medication to a patient, or issue or transmit drug orders orally or in writing in accordance with the provisions of subdivisions (a)-(f), inclusive, of Section 3502.1 of the Code, provided, however, that a physician assistant may not administer, provide, or issue a drug order to a patient for Schedule II through Schedule V controlled substances without advance approval of his or her supervising physician unless the physician assistant has successfully completed an approved controlled substance education course and has been authorized by his or her supervising physician to administer, provide, or issue a drug order for Schedule II through Schedule V controlled substances without advance approval.

(1) If a physician assistant successfully completes an approved controlled substance education course and is subsequently authorized by his or her supervising physician to administer, provide, or issue a drug order for Schedule II through Schedule V controlled substances without advance approval, that authorization shall be included in a delegation of services agreement executed in accordance with section 1399.540.

(i)(1) Perform surgical procedures without the personal presence of the supervising physician which are customarily performed under local anesthesia. Prior to delegating any such surgical procedures, the supervising physician shall review documentation which indicates that the physician assistant is trained to perform the surgical procedures. All other surgical procedures requiring other forms of anesthesia may be performed by a physician assistant only in the personal presence of an approved supervising physician.

(2) A physician assistant may also act as first or second assistant in surgery under the supervision of an approved supervising physician.

Note: Authority cited: 2018, 3502, 3502.1, and 3510, Business and Professions Code. Reference: 2058 and 3502, and 3502.1, Business and Professions Code.

3. Section 1399.610 is added to title 16 of the California Code of Regulations to read as follows:

§ 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 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. 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 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 2018, 3502, 3502.1, and 3510, Business and Professions Code. Reference: Sections 2058 and 3502, and 3502.1, Business and Professions Code.

4. Section 1399.612 is added to title 16 of the California Code of Regulations to read as follows:

§ 1399.612 Responsibilities of Course Providers and Attendees.

- (a) A 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 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.

(3) Course instructor curriculum vitas or resumes.

(4) 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 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 committee.

Note: Authority cited: Sections 2018, 3502, and 3510, Business and Professions Code. Reference: Sections 2058 and 3502, and 3502.1, Business and Professions Code.