

PHYSICIAN ASSISTANT COMMITTEE

INITIAL STATEMENT OF REASONS

Hearing Date: 28 October 2010

Subject Matter of Proposed Regulations:

Section Affected: 1399.547

Specific Purpose of each adoption, amendment, or repeal:

Business and Professions Code Section 138 requires that every board within the Department of Consumer Affairs adopt regulations requiring its licensees to provide notification to their customers that the practitioner is licensed by the state.

This proposal implements Business and Professions Code Section 138 by requiring physician assistant licensees to notify consumers that they are licensed by the Physician Assistant Committee. This proposed regulation would require licensees to determine which of three (3) notification methods would be the most appropriate for their practice setting. The three (3) methods include: posting a sign where their patients may see it; include a written statement signed and dated by the patient and placed in their medical record; or include the notification language on another document just above the patient signature line.

Factual Basis/Rationale

Factual basis for determination that each proposed change is necessary:

The Committee's mandate is to protect the health, safety, and welfare of California consumers. Public protection is enhanced when patients are aware of the Committee's existence at the time care is rendered.

This proposal will further enhance the Committee's mandate of consumer protection. It has been suggested by public policy advocates, citizens, and consumer protection organizations that many California consumers are not aware of the existence and consumer protection role of the Physician Assistant Committee and the services the Committee provides, such as licensing information, licensee disciplinary data, the complaint process, and medical services provided by physician assistants. Many consumers are also unaware of what agency to contact when they are having concerns or complaints about the care provided by physician assistants.

This proposal is an additional consumer protection tool and will empower consumers by providing written contact information concerning the state agency responsible for

licensing physician assistants.

This regulatory proposal will comply with the provisions of Business and Professions Code Section 138, which mandates that the Committee adopt regulations requiring its licensees to provide notification to consumers that the practitioner is licensed by the state.

Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any): None.

Business Impact

This regulation will not have a significant adverse economic impact on business. This initial determination is based on the following facts or evidence/documents/testimony:

We believe that the economic impact will be minor. Physician Assistants will be required to post a sign, include a written notice, or include the notice on another document given to the patient. This proposal permits the licensee to choose the notification method that best meets their needs.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

- 1) Not adopt regulation. This alternative was rejected because Business and Professions Code Section 138 mandates that the Committee adopt regulations to require its licensees to provide notification to their patients that the practitioner is licensed by the state.
- 2) Adopt the regulation. The Committee determined that this alternative was the most feasible because it will comply with the provisions of Business and Professions Code Section 138.

