

## TITLE 16. PHYSICIAN ASSISTANT COMMITTEE

NOTICE IS HEREBY GIVEN that the Physician Assistant Committee is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 2005 Evergreen Street, Hearing Room 1150, and Sacramento, California, 95815, at 1:00 p.m., on 18 February 2010. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physician Assistant Committee at its office no later than 5:00 p.m. on 16 February 2010 or must be received by the Physician Assistant Committee at the hearing. The Physician Assistant Committee, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 3510 of the Business and Professions Code, and to implement, interpret or make specific Section 3534.8 of said Code, the Physician Assistant Committee is considering changes to Division 13.8 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code Section 3510 authorizes the Committee to adopt, amend, or repeal regulations as may be necessary to enable it to carry into effect the provisions of the Physician Assistant Practice Act. The Committee is proposing the following change:

Adopt Section 1399.557.

Article 6.5 of the Business and Professions Code establishes the Diversion of Impaired Physician Assistants Program. The committee's drug and alcohol diversion program was legislatively mandated by statute in 1988 (AB 4510, Chapter 385). The program is currently contracted to Maximus.

Business and Professions Code Section 3534.8 authorizes the Physician Assistant Committee to charge a fee for participation in the program. All program participants are currently assessed a \$100.00 monthly fee for participation in the program.

This proposal would require that licensees mandated to participate in the diversion program, as a condition of probation, pay the full amount of the monthly participation fee charged by the contractor which is \$272.00. Licensees voluntarily enrolled in the program would be required to pay 75% of the monthly participation fee charged by the contractor. Per the contract in place with Maximus, the cost per participant will increase

3% on 1 July of each successive year.

This proposal would also require the program participants to pay their monthly participation fee directly to the diversion program contractor. This proposal would only apply to licensees who enter or re-enter the program on or after the effective date of this regulatory proposal.

The regulatory proposal only affects physician assistant licensees who are participating in the committee's diversion program. It does not affect small businesses.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: We estimate cost savings to the committee. Licensees mandated to participate in the diversion program, as a condition of probation, would pay the full participation fee charged by the contractor. Licensees voluntarily enrolled in the program will pay 75% of the participation fee.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500 – 17630 Require Reimbursement: None.

#### Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because it only affects individual licensees who would be participating in the committee's diversion program.

The following studies/relevant data were relied upon in making the above determination: None.

#### Impact on Jobs/New Businesses:

The Physician Assistant Committee has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

### Cost Impact on Representative Private Person or Business:

The Physician Assistant Committee is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

### EFFECT ON SMALL BUSINESS

The Physician Assistant Committee has determined that the proposed regulations would not affect small businesses because it only affects individual licensees who would be participating in the committee's diversion program.

### CONSIDERATION OF ALTERNATIVES

The Physician Assistant Committee must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be 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 proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

### INITIAL STATEMENT OF REASONS AND INFORMATION

The Physician Assistant Committee has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based. It may be obtained at the hearing or prior to the hearing upon request from the Physician Assistant Committee at 2005 Evergreen Street, Suite 1100, Sacramento, California 95815 or on the committee's website at: [www.pac.ca.gov](http://www.pac.ca.gov).

### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physician Assistant Committee at 2005 Evergreen Street, Suite 1100, Sacramento, California 95815 or on the committee's website: [www.pac.ca.gov](http://www.pac.ca.gov).

### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

### CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Glenn Mitchell  
Address: 2005 Evergreen Street, Suite 1100  
Sacramento, CA 95815  
  
Telephone No.: (916) 561-8783  
Fax No.: (916) 263-2671  
E-Mail Address: gmittchell@mbc.ca.gov

The backup contact person is:

Name: Elberta Portman  
Address: 2005 Evergreen Street, Suite 1100  
Sacramento, CA 95815  
  
Telephone No.: (916) 561-8782  
Fax No.: (916) 263-2671  
E-Mail Address: eportman@mbc.ca.gov

Website Access : Materials regarding this proposal can be found at:

[www.pac.ca.gov](http://www.pac.ca.gov).