

## 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, Sacramento, California 96815, at 9:00 a.m., on 29 October 2012. 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 not later than 5:00 p.m. on 29 October 2012 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 Sections 144, 901 and 3510 of the Business and Professions Code, and to implement, interpret or make specific Sections 901 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

#### A. Informative Digest

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 changes:

Adopt Sections: 1399.620, 1399.621, 1399.622, and 1399.623 of Article 9, Sponsored Health Care Events – Requirements for Exemption.

Sponsored Free Health Care Events is not addressed in current regulation.

This proposal requires the Physician Assistant Committee to implement legislation, AB 2699, (Bass, Chapter 270, Statutes of 2010) enacting Business and Professions Code Section 901, which took effect January 1, 2011.

This statute provides a regulatory framework for certain health care events at which free care is offered to uninsured or under-insured individuals by volunteer health care practitioners where those practitioners may include individuals who may be licensed in one or more states but are not licensed in California.

These proposed regulations will implement, interpret, and make specific the provisions of Section 901, including application requirements, recordkeeping procedures, forms used, and denial and appeal procedures to be used by sponsoring entities and out-of-state practitioners who wish to participate in sponsored events.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The committee's highest priority is the protection of the public and the proposed regulations will implement the provisions of Business and Professions Code Section 901 in a manner that will provide the greatest protection of the people of California.

C. Consistency and Compatibility with Existing State Regulations

This Physician Assistant Committee has evaluated this regulatory proposal and it is not inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

The following documents are to be incorporated by reference:

1. "Registration of Sponsoring Entity under Business & Professions Code Section 901" Form 901-A (DCA/2011)
2. "Request for Authorization to Practice without a California License at a Registered Free Health Care Event" Form 901-B (PAC/2012),

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

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 Physician Assistant Committee 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.

The proposed regulations impact out-of-state health care practitioners applying to the Physician Assistant Committee to participate in

community-based organizations that provide sponsored free health care events in California.

The proposed regulation may provide an opportunity for out-of-state licensed volunteers to participate in community sponsored free health care events.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to Physician Assistant Committee are minor costs associated with the application and fingerprinting process. There may also be minor costs associated with maintenance of records.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

There is no significant cost impact on small business. Minor costs associated with maintenance of records and filing applications may be incurred.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/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.

Benefits of Regulation:

The Physician Assistant Committee has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and state's environment:

The proposed regulation would provide an opportunity for out-of-state licensed health care volunteers to participate in community sponsored free health care events. Uninsured or underinsured individuals would have an opportunity to receive health care.

CONSIDERATION OF ALTERNATIVES

The Physician Assistant Committee must determine that no reasonable alternative is considered to the regulation or that has otherwise been identified and

brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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.

### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, 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 95825.

### 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

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:	glenn.mitchell@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  
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Website Access: Materials regarding this proposal can be found at

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