

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California (Board) 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 in the Hearing Room at the Medical Board of California, 2005 Evergreen Street, Sacramento, California 95815, at 9:00 a.m., on March 11, 2019.

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 Board at its office no later than 5:00 p.m. on March 11, 2019, or must be received at the hearing. The Board, 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 2018 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 2037, 2065, 2066, 2096, 2102 and 2103 of said code, the Board is considering changes to Title 16, Division 13, Chapter 1, Article 6, California Code of Regulations (CCR) section 1321 as follows:

INFORMATIVE DIGEST

A. Informative Digest

BPC section 2096 requires applicants for physician's and surgeon's certificates to complete required postgraduate training that is approved by the Accreditation Council for Graduate Medical Education (ACGME) or the Royal College of Physicians and Surgeons of Canada (RCPSC).

Existing law under 16 CCR section 1321(a) states the following:

Postgraduate training programs meeting the standards of the Accreditation Council on Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada shall be approved for the postgraduate training specified in Sections 2065, 2066, 2096, 2102, and 2103 of the code.

Since this statute and regulation became effective, ACGME-International and RCPSC-International have begun to review and accredit international postgraduate training programs. The law does not allow California to accept postgraduate training accredited by ACGME-International or RCPSC-International.

This rulemaking proposes to amend section 1321(a) to clarify that only accredited postgraduate training programs located in the United States and/or its territories or in Canada are approved by the Board to meet the postgraduate training requirement to be eligible for a California physician's and surgeon's license. This change does not impose a new barrier on applicants, but clarifies California law on postgraduate training requirements in light of the development of new accreditation programs that have not been vetted nor approved.

Further, this rulemaking proposes to amend section 1321(a) to specify that family medicine postgraduate training programs in Canada accredited by the College of Family Physicians of Canada (CFPC) are approved by the Board to meet the postgraduate training requirement to be eligible for a California physician's and surgeon's certificate. This is necessary because RCPSC has partnered with CFPC for these accreditations. As part of this change in the domestic accreditation practice adopted by RCPSC, the Board is seeking to clarify the name of this accreditation arm for approved postgraduate training in family medicine occurring in Canada.

Additionally, this proposal makes a non-substantive correction under section 1321(a), changing the word "on" to "for" so that the language correctly reads: "Accreditation Council for Graduate Medical Education," as this is the correct name for this entity.

Existing law under 16 CCR section 1321(b) states the following:

A current list of such programs shall be maintained on file in the Sacramento office of the division.

This rulemaking proposes to amend section 1321(b) by striking this language as antiquated and unnecessary, and adding new language indicating that postgraduate training programs located in the United States and/or its territories accredited by the American Osteopathic Association (AOA) that have received initial/pre-accreditation status by the Accreditation Council on Graduate Medical Education (ACGME) shall be approved for the postgraduate training specified in Sections 2065, 2066, 2096, 2102, and 2103 of the BPC.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The proposed change to section 1321(a) will clarify that only accredited postgraduate training programs located in the United States and/or its territories or in Canada are approved by the Board. Both ACGME and RCPSC have established international accreditation programs which have not been vetted and approved. California, pursuant to BPC section 2096 only accepts postgraduate training approved by ACGME or RCPSC, not their international programs (ACGME-International or RCPSC-International). Accordingly, this proposed change will eliminate ambiguity for applicants for a physician's and surgeon's license and furthers consumer protection by clarifying what postgraduate training programs the Board will accept.

The proposed change to section 1321(a) will also clarify that the Board accepts family medicine postgraduate training in Canada accredited by the CFPC, since family medicine postgraduate training programs in Canada are now accredited by the CFPC, in partnership with RCPSC. Family medicine programs accredited by CFPC in Canada meet RCPSC standards. This proposed change will bring this regulation up to date with the current process in Canada for accrediting family medicine postgraduate training, and will provide clarity to applicants.

Additionally, this proposal makes a non-substantive correction, changing the word “on” to “for” so that the language correctly reads: “Accreditation Council for Graduate Medical Education,” as this is the correct name for the ACGME.

The proposed change to section 1321(b) will remove obsolete language referencing the list of approved postgraduate training programs approved by the Board. The most current list of approved programs is available directly through the accrediting agencies, and it is not necessary nor efficient for the Board to keep a separate list of approved postgraduate training programs.

Further, section 1321(b) will be amended to indicate that postgraduate training programs located in the United States and/or its territories accredited by the AOA that have received pre-accreditation or initial accreditation status by the ACGME shall be approved for postgraduate training. This change is necessary to reflect the move to a single graduate medical education (GME) accreditation system in the United States beginning in 2014. The single GME accreditation system allows graduates of allopathic and osteopathic medical schools to complete their residency and/or fellowship education in ACGME-accredited programs and demonstrate achievement of common milestones and competencies. This change broadens access to training by permitting all eligible residency applicants to enter any accredited program in the United States, and to transfer from one accredited program to another without having to repeat training.

A status of pre-accreditation signifies that a program already approved by the AOA for postgraduate training has initiated the process of attaining ACGME accreditation while still under AOA approval.

A status of initial accreditation means that the program’s ACGME Review Committee has determined that it is in substantial compliance with the applicable program requirements.

Once an AOA-accredited program is fully accredited by the ACGME, it will fall under CCR section 1321(a), but until then, to clarify that the Board will accept those programs that have received pre-accreditation or initial accreditation status, this regulatory change is necessary.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

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 Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed amendments to section 1321 will only update the language in this section for consistency with current accreditation practices and eliminate confusion regarding postgraduate training requirements to be eligible for a California physician's and surgeon's license.

Cost Impact on Representative Private Person or Business:

The Board 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 Board has determined that the proposed regulation will not affect small businesses, since the proposed amendments to section 1321 will only update the language for consistency with current accreditation practices to eliminate confusion regarding postgraduate training requirements to be eligible for a California physician's and surgeon's license.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant 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. This determination has been made based upon the fact that the proposed amendments only update the language for consistency with current accreditation practices to eliminate confusion regarding postgraduate training requirements to be eligible for a California physician's and surgeon's license.

Benefits of Regulation:

The benefit of amending section 1321 is to further define BPC sections 2037, 2065, 2066, 2096, 2102 and 2103 to update the language for consistency with current accreditation practices to eliminate confusion regarding postgraduate training requirements to be eligible for a California physician's and surgeon's license. This regulatory action furthers the goal of consumer protection through the proper licensing and regulation of health care professionals as well as enforcing the Medical Practice Act.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered 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 or would be as effective as and less burdensome to affected private persons than the proposed action 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 Board has prepared an initial statement of 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 person designated in the Notice under Contact Person, below, or by accessing the Board's website at:
http://www.mbc.ca.gov/About_Us/Laws/Proposed_Regulations.

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:

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The backup contact person is:

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Website Access: Materials regarding this proposal can be found at
http://www.mbc.ca.gov/About_Us/Laws/Proposed_Regulations.