

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: October 15, 2014
ATTENTION: Members, Medical Board of California
SUBJECT: Citation Regulations
STAFF CONTACT: Kimberly Kirchmeyer, Executive Director

REQUESTED ACTION:

This report is intended to provide the Members with an update on regulatory hearing and the status of the amendments Title 16 California Code of Regulations (CCR) section 1364.10, 1364.12, 1364.13, and 1364.14.

UPDATE:

After the 45-day public comment period, a regulatory hearing was held on September 24, 2014, and October 14, 2014, to hear public comment on the amendments to Title 16 California Code of Regulations (CCR) sections 1364.10, 1364.12, 1364.13, and 1364.14.

No public comment was provided during the 45-day public comment period or at either hearing. Therefore, the Board will finalize the rulemaking package and submit it to the Department of Consumer Affairs (DCA) for approval. Once approved by DCA, it will be submitted to the Office of Administrative Law. The Board hopes to submit the package to DCA by the end of October. The Board will be requesting these regulations go into effect immediately upon approval by the Office of Administrative Law and filing with the Secretary of State.

BACKGROUND:

On July 1, 2014, pursuant to Senate Bill 304 (Lieu, Chapter 515, Statutes of 2013), the Medical Board of California's (Board) sworn staff and their support staff were transferred to the Department of Consumer Affairs (DCA). Among the positions included in the transfer were the Chief of Enforcement, the Deputy Chief of Enforcement, and the Supervising Investigator IIs.

The Board's regulations pertaining to the issuance of citations authorizes a "board official" to issue a citation, a fine, and an order of abatement. The regulations also require the board official *who issued the citation* to perform certain functions, including holding the informal conference, authorizing an extension, etc. The regulations define "board official" as the Chief, Deputy Chief or Supervising Investigator II of the enforcement program of the Board or the Chief of Licensing.

As of July 1, 2014, the only remaining staff person at the Board authorized to issue a citation is the Chief of Licensing. However, the regulations state that the Chief of Licensing can only issue citations to physicians who practiced on a delinquent, inactive or restricted license or to an individual who practices beyond the exemptions authorized in Sections 2065 and 2066 of the Business and Professions Code.

Therefore, based upon the transfer of staff to DCA, the Board needed to amend these regulations to allow the Executive Director or his or her designee to issue citations and perform other functions associated with the citation process.