

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: January 10, 2011  
ATTENTION: Medical Board of California  
SUBJECT: City of Hope – Petition for Regulatory Amendment of  
California Code of Regulations Section 1327  
STAFF CONTACT: Curtis J. Worden, Chief of Licensing

REQUESTED ACTION:

Direct staff on how to proceed with City of Hope’s petition for regulatory amendment of California Code of Regulations, Title 16, Division 13, Section 1327.

STAFF RECOMMENDATION:

Direct staff to proceed with City of Hope’s petition and start the regulatory process to make amendments to add a national accreditation agency for continuing medical education to 1327(a)(3) and to make a clarification to 1327(a).

BACKGROUND:

This memo provides Board members with information regarding the petition for regulatory amendment submitted by the City of Hope. City of Hope’s petition (attached) requests that the Medical Board of California (Board) add another continuing education accreditation agency to subdivision (a)(3) of section 1327 of the California Code of Regulations as follows:

“The health facility shall be accredited for continuing education programs by the California Medical Association or the Accreditation Council for Continuing Medical Education.”

This change would allow the City of Hope to apply to the Board for approval to administer clinical training programs in which medical students enrolled in a recognized international medical school may participate. Currently, the City of Hope cannot enroll foreign medical students in its clinical training programs because it is not accredited by the California Medical Association but it is accredited by the Accreditation Council for Continuing Medical Education (ACCME). The ACCME’s bylaws prohibit a Continuing Medical Education (CME) provider from obtaining or holding accreditation from a state medical society. When the regulation was first promulgated ACCME did not exist. Please note that if this proposed regulatory amendment is ultimately adopted, the City of Hope cannot automatically enroll foreign medical students but rather it could then seek approval from the Board to do so provided the requirements set forth in section 1327 are satisfied.

OPTIONS:

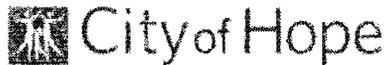
Pursuant to section 11340.7 of the Government Code, the Board may grant or deny the request in whole or in part or may grant other relief.

Other relief could include referring the petition to the Licensing Committee for additional research and fact-finding. For example, there may be value in determining if other healthcare facilities or institutions are similarly situated and have an interest in this subject matter. There may be other relevant accreditation agencies as well.

If the petition is granted, the Board would commence the rulemaking process.

In addition if the Board decides to proceed with City of Hope petition to amend 1327(a)(3) this would be a good time for the Board to amend the language in 1327(a) for clarification purposes as follows:

- (a) Pursuant to Section 2064 of the code a medical student enrolled in a foreign medical school recognized by the Board may practice medicine in a clinical training program approved by the division. A clinical training program shall submit a written application for such approval and shall meet the following criteria:



1500 East Duarte Road  
Duarte, CA 91010-3000  
Phone: 626-256-HOPE (4673)  
www.cityofhope.org

December 7, 2010

CERTIFIED US MAIL, RETURN RECEIPT REQUESTED

Ms. Linda Whiney  
Executive Director  
The Medical Board of California  
2005 Evergreen Street, Suite 1200  
Sacramento, California 95815

RE: Petition to Amend California Code of Regulations, Title 16, Sec. 1327 (3)  
s 1317. Criteria for Approval of Clinical Training Programs for Foreign  
Medical Students

We are writing this letter on behalf of City of Hope and City of Hope's Graduate Medical Education Committee to formally request a change to Title 16, Section 1327 (a)(3) of the California Code of Regulations to broaden the accreditation requirements for continuing education programs for foreign medical students and graduates.

REQUEST

Existing California Code of Regulations Title 16, chapter 1, Article 7, Section 1327, subdivision (a)(3) reads as follows:

"The health facility shall be accredited for continuing education programs by the California Medical Association."

We propose this section be amended to read:

"The health facility shall be accredited for continuing education programs by the California Medical Association *or the Accreditation Council for Continuing Medical Education.*"

Ms. Linda Whiney  
Executive Director, The Medical Board of California  
December 7 2010  
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## BACKGROUND

City of Hope has a strong interest in applying to the Medical Board's Division of Licensing for approval to train foreign medical students.

Currently our institution is fully accredited, with commendation, for continuing education programs by the Accreditation Council for Continuing Medical Education, known as ACCME. Since its establishment in 1981, the ACCME has been the national authority on accreditation for medical schools, state medical societies and national physician membership organizations and specialty societies. In fact, the California Medical Association, which currently accredits continuing education programs in accordance with the regulation, must hold an accreditation from ACCME to serve as the state's accrediting body.

ACCME accreditation allows the CMA to authorize, review and accredit hospitals and health care organizations within their state. But organizations of "national influence" such as the City of Hope, which is a National Cancer Institute-designated Comprehensive Cancer Center, are required to obtain national accreditation directly from the ACCME.

However, ACCME policy forbids institutions from holding both ACCME accreditation as well accreditation from a state medical society.

ACCME bylaws state:

"...a CME provider may not maintain both ACCME accreditation and accreditation by a state medical society at the same time."

Existing regulation, in combination with the ACCME bylaws, preclude City of Hope from obtaining a state license to train foreign medical students.

City of Hope is recognized worldwide for its compassionate patient care, innovative science and translational research, which rapidly turns laboratory breakthroughs into promising new therapies. City of Hope strives to promote medical education by supporting educational opportunities in research, and clinical fields for our ACGME accredited residency programs in radiation oncology, hematopathology, hematology and medical oncology, and diabetes/endocrinology: in addition to have an active program of continuing medical education on our campus. However, these goals cannot be fully realized unless the current regulations are amended to recognize ACCME accreditation.

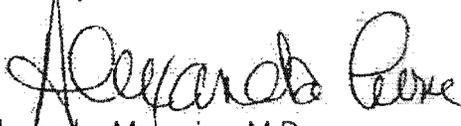
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Executive Director, The Medical Board of California  
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An amendment to California Code of Regulations, Title 16, Section 1327 (3) to include ACCME as an additional accrediting body for continuing medical education would recognize those organizations of national influence that are required to obtain their accreditation from ACCME. This requested change would allow City of Hope and other institutions of national influence to fully qualify to submit an application for approval by the Medical Board of California to train foreign medical students in the same manner that we currently offer training to medical students enrolled in medical schools in the United States. Such a change would benefit patient care, innovative science and translational research by permitting City of Hope, and other similarly situated academic medical institutions, to expand the reach of training opportunities to include well-qualified medical students whose only impediment to participation is that they are enrolled in a foreign medical school.

We would be happy to provide more information concerning our training programs, and to explain City of Hope's situation in more detail at the request of the Medical Board of California.

Thank you for your consideration of City of Hope's request for a change in regulation. We look forward to your reply.

Sincerely,



Alexandra M. Levine, M.D.  
Chief Medical Officer



Robert J. Morgan, M.D.  
Chair, CME Committee



Joshua D. Ellenhorn, M.D.  
Chair, GME Committee



Jonathan R. Espenschied, M.D.  
Director, GME & Clinical Training

AML: RJM: JDE: JRE/arr



### 16 CA ADC § 1327

16 CCR § 1327

Cal. Admin. Code tit. 16, § 1327

Barclays Official California Code of Regulations [Currentness](#)

Title 16. Professional and Vocational Regulations

Division 13. Medical Board of California (Refs & Annos)[FNA1]

Chapter 1. Division of Licensing

Article 7. Foreign Medical Students and Graduates

➔**§ 1327. Criteria for Approval of Clinical Training Programs for Foreign Medical Students.**

(a) Pursuant to Section 2064 of the code a medical student enrolled in a foreign medical school may practice medicine in a clinical training program approved by the division. A clinical training program shall submit a written application for such approval and shall meet the following criteria:

- (1) Programs shall be conducted in health facilities accredited by the Joint Commission on the Accreditation of Healthcare Organizations.
- (2) Programs shall be under the direction of the director of a residency program approved pursuant to Section 1321 above or an active staff member who holds a faculty appointment from the clinical department of a California medical school approved by the division.
- (3) The health facility shall be accredited for continuing education programs by the California Medical Association.
- (4) The health facility shall have appropriate liability insurance for those medical students participating in the clinical training program approved under this section.
- (5) The program shall have a ratio of one (1) student per physician supervisor or one (1) student per two (2) residents in the training program. Such physician supervisor or resident shall participate directly in the training of and provision of medical services by the medical student.
- (6) The health facility shall not remunerate students for medical services rendered, but may provide room and board for students in the program.
- (7) The health facility may require a fee to cover necessary administrative costs.
- (8) A clinical training program in a specialty area shall not exceed twelve (12) weeks.
- (9) The division determines on a case-by-case basis that a health facility has sufficient beds and occupancy by patients to provide medical students with clinical experience in the specialty area of the clinical training program.

(b) The application shall include the curriculum vitae of all individual preceptors and/or physician supervisors in the program.

(c) The health facility shall file with the division the names of those students accepted for training in the program. All students accepted shall have completed at least two (2) years of medical education and shall be in good academic standing.

(d) The approval of each clinical training program shall be for a period of one (1) year and may be renewed annually.

(e) Approval under this section shall not be required for clinical training to be taken in health facilities which are the site of a residency program approved under Section 1321, subs. (a), which is in family practice or the same clinical area as the student's training program, or in health facilities which have a major affiliation with a medical school which is approved under Section 1314, subs. (a).

[FNA1] For disposition of former Sections 1370-1375.45, see Table of Parallel Reference, Chapter 13.2, Title 16, California Code of Regulations.

Note: Authority cited: Section 2018, Business and Professions Code. Reference: Sections 2005 and 2064, Business and Professions Code.

#### HISTORY

1. New section filed 6-17-77; effective thirtieth day thereafter (Register 77, No. 25).
2. Amendment of subsection (a) filed 8-5-81; effective thirtieth day thereafter (Register 81, No. 32).
3. Amendment of subsection (a) and new subsection (d) filed 8-6-86; effective thirtieth day thereafter (Register 86, No. 32).
4. Amendment of subsections (a), (a)(1), (a)(3)-(4), (a)(6)-(7), (a)(9), (c) and new subsection (e) filed 4-22-92; operative 5-22-92 (Register 92, No. 18).

16 CCR § 1327, 16 CA ADC § 1327

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