

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: June 29, 2010
 ATTENTION: Licensing Committee
 SUBJECT: Limited Practice License
 STAFF CONTACT: Fayne Boyd, Licensing Manager

RECOMMENDED ACTION:

Staff recommends that the Licensing Committee approved the draft regulatory proposal provided on the attached copy of Sections 1315.5, 1315.53, and 1315.55, along with any edits or additional provisions that the Committee may suggest for inclusion in the regulations.

Upon approval, staff recommends the Licensing Committee recommend to the Board that it direct staff to schedule a public hearing at the November 5, 2010 Board meeting to adopt regulatory language to add Article 4.5 in Chapter 1 of Division 13 of Title 16, California Code of Regulations.

BACKGROUND AND ANALYSIS:

Legislation, AB 501, effective January 1, 2010, authorizes the Licensing Program to issue a limited practice license to an applicant who is otherwise eligible for a medical license in California, but is unable to practice all aspects of medicine safely due to a disability. Staff prepared a draft regulatory proposal to add language to Division 13 of Title 16, California Code of Regulations, to set forth the requirements and criteria for a limited practice license. In preparing the regulatory language, staff also considered current licensees who wish to go into this status due to a disability affecting their ability to practice some aspects of medicine safely. Therefore, parallel language was also prepared to ensure the limited practice license is consistent with the criteria for the current disability license and limited practice license. On May 26, 2010, the Board held an Interested Parties Meeting to review and discuss the proposed regulatory language. Based on feedback received at the meeting and in writing, suggestions were incorporated into the revised limited practice license proposed regulations.

PROJECT STATUS:

The implementation plan is on schedule. Staff will continue to complete tasks as follows:

Tasks to be completed August – September:

- Consider statutory language to amend Section 2441 to ensure criteria for a disability license and limited practice license are consistent.
- Identify Application Tracking System (ATS) changes to track applicants

- Identify license status for limited practice licenses on Consumer Affairs System
- Develop process for Senior Review Level 2 applicant that is identified by senior staff as a limited license candidate

Tasks to be completed for October – December:

- Hold public hearing at November Board Meeting to adopt the proposed regulations
- Develop limited practice license policies and procedures
- Develop process to request change from limited practice license/disabled status to full and unrestricted license status
- Develop new application forms, instructions, and FAQs
- Develop wall certificate and pocket license for limited practice license

Tasks to be completed after regulation package is adopted by the Board

- Develop language for License Look-up on Web site
- Train Licensing and CIU staff
- Update Web site with limited practice license application, information, and FAQ's
- Prepare article for Board's Newsletter
- Implement tasks upon approval by Secretary of State

Limited Practice Licenses
Draft Regulatory Proposal—5/26/2010

(1) Add Article 4.5 in Chapter 1 of Division 13 of Title 16, Cal.Code Regs, to read as follows:

1315.50. Requirement for Independent Clinical Evaluation

(a) This section applies both to applicants for an initial license and licensees who seek a limited practice license pursuant to Section 2441 of the code.

(b) An applicant for a limited practice license shall obtain and submit to the board with his or her application the report of an independent clinical evaluation that meets the requirements of this Article regarding the applicant's ability to practice medicine safely.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Sections 2088 and 2441, Business and Professions Code.

1315.53. Criteria for Reviewing Physician

The independent clinical evaluation shall be performed by a physician who specializes in the diagnosis and/or treatment of disabilities of the same nature as that of the applicant, who is familiar with the applicant's areas of medical practice, and who has no personal, professional, business, or social relationship with the applicant. The term "professional relationship" includes, but is not limited, to a current or previous physician-patient relationship with the applicant. The reviewing physician shall possess a current valid California license with no history of discipline.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Sections 2088 and 2441, Business and Professions Code.

1315.55. Required Contents of Report.

(a) A report submitted pursuant to this Article shall:

(1) Be on the reviewing physician's letterhead, dated, and signed under penalty of perjury, and shall contain the original signature of the reviewing physician.

(2) Describe how the reviewer meets the criteria set forth in section 1315.53.

(3) Include the applicant's name and the diagnosis or description of the applicant's disability.

(4) Describe all recommended practice limitations and how those limitations permit the applicant to practice medicine safely.

(5) Provide suggested intervals between evaluations, if the disability is caused by a disease that will progress or fluctuate in severity.

(6) Indicate whether the evaluation included a review of the applicant's medical records related to the disability.

(7) Describe the current treatment protocol and the applicant's compliance with that treatment protocol, if appropriate for the type of disability.

(b) The evaluation shall have occurred not more than sixty (60) days from the date on which the application was filed with the board.

NOTE: Authority cited: Sections 2018, Business and Professions Code.
Reference: Sections 2088 and 2441, Business and Professions Code.