

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: January 23, 2019
ATTENTION: Members, Medical Board of California (Board)
SUBJECT: Proposed Changes to Regulations Regarding
Postgraduate Training
STAFF CONTACT: Kerrie Webb, Staff Counsel

REQUESTED ACTION:

After review and consideration of the proposed amendments to the attached regulation, make a motion to direct staff to proceed with the following:

- 1) Prepare the necessary regulatory documents to submit to the Department of Consumer Affairs (DCA) and the Business, Consumer Services and Housing Agency (Agency);
- 2) Upon DCA and Agency approval, submit the documents to Office of Administrative Law (OAL) to formally notice the proposed regulatory language and schedule a hearing on the rulemaking to amend Section 1321, Chapter 1, Article 6, Division 13, of Title 16 of the California Code of Regulations (CCR); and
- 3) Allow staff to make non-substantive changes to the language during the rulemaking process, as needed.

BACKGROUND:

Senate Bill (SB) 798 (Hill, Chapter 775) made revisions related to the postgraduate training/licensing requirements effective January 1, 2020. Among other changes, the law modified the minimum requirements for postgraduate training to require successful completion of thirty-six (36) months of board-approved postgraduate training for all applicants, regardless of whether the medical school attended was domestic or international.

Existing law under 16 CCR section 1321 describes requirements for approved postgraduate training. The Board has already approved some changes to this section, and the rulemaking package has been submitted to OAL to notice the 45-day comment period. With the change under SB 798, however, additional amendments to this section will have to be made to be effective on January 1, 2020.

In light of DCA's and Agency's review process, this rulemaking must begin before the prior rulemaking is approved by OAL. Please note that the language attached as Exhibit A is based on OAL approving the prior rulemaking package.

For easy reference, the language currently being noticed for public comment is attached as Exhibit B.

In this new proposed rulemaking, CCR section 1321 will be amended as follows:

- Strike Business and Professions (B&P) Code sections that are being repealed as of January 1, 2020;
- Add new B&P Code sections that become operative as of 2020;
- Clarify that oral and maxillofacial surgery residency programs accredited by the Commission on Dental Accreditation (CODA) count toward the 36 months of required Board-approved postgraduate training; and
- Make clarifying changes to be consistent with the statutory requirement that applicants complete 36 months of Board-approved postgraduate training, with at least 24 continuous months in a single program.

STAFF RECOMMENDATION:

Staff recommends the Board authorize staff to proceed with preparing the necessary rulemaking documents to submit to DCA and Agency for approval, prior to sending the documents to OAL to formally notice the proposed amendments and schedule a regulatory hearing. Staff further recommends the Board authorize staff to make any non-substantive changes to the proposed language during the rulemaking process, as needed.

**MEDICAL BOARD OF CALIFORNIA
SPECIFIC LANGUAGE AND PROPOSED AMENDMENTS
APPROVED POSTGRADUATE TRAINING**

PROPOSED TEXT

Legend

Underlined regulation Indicates proposed amendments or additions to the existing regulation

~~Strikeout~~ Indicates proposed deletions to the existing regulation.

Amend Section 1321, Chapter 1, Article 6, Division 13, of Title 16 of the California Code of Regulations to read as follows:

Title 16, Division 13, Chapter 1, Article 6 of the California Code of Regulations

§ 1321. Approved Postgraduate Training.

(a) Postgraduate training programs located in the United States and/or its territories, or in Canada that are accredited by the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, and family medicine postgraduate training in Canada accredited by the College of Family Physicians of Canada, shall be approved for the postgraduate training specified in Sections 2064.5, 2065, ~~2066~~, and 2096, 2102, and 2103 of the code.

(b) Postgraduate training programs located in the United States and/or its territories accredited by the American Osteopathic Association that have received initial/pre-accreditation status by the Accreditation Council for Graduate Medical Education shall be approved for the postgraduate training specified in Sections 2064.5, 2065, ~~2066~~, and 2096, ~~2102 and 2103~~ of the code.

(c) Oral and maxillofacial surgery residency programs accredited by the Commission on Dental Accreditation (CODA) shall count toward the postgraduate training specified in 2096 of the code when attended as part of a combined dental and medical degree program accredited by CODA.

~~(e)~~(d) An applicant shall have been formally admitted to any postgraduate training program which is completed in order to qualify for licensure as a physician and surgeon. As used in this section, "formally admitted" means the applicant has met the program's requirements for admission to the programs.

~~(d)~~(e) An applicant shall have completed at least 24 one continuous months out of the required 36 months year of approved postgraduate training in a single program in order to qualify for licensure as a physician and surgeon. The one-year period for required postgraduate training may be interrupted in cases due to illness or hardship. ~~With respect to an applicant who qualifies for licensure by completing at least two years of approved postgraduate training, the second year shall be one continuous year in a single program, which may be the same or a different program than the first year. The second year may be interrupted in cases due to illness or hardship.~~

Note: Authority cited: Section 2018, Business and Professions Code. Reference: Sections 2037, 2064.5, 2065, ~~2066~~, 2096, ~~2102 and 2103~~, Business and Professions Code.

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Amend Section 1321, Chapter 1, Article 6, Division 13, of Title 16 of the California Code of Regulations to read as follows:

**California Code of Regulations
Title 16, Division 13, Chapter 1, Article 6**

§ 1321. Approved Postgraduate Training.

(a) Postgraduate training programs located in the United States and/or its territories, or in Canada that are accredited by meeting the standards of the Accreditation Council on for Graduate Medical Education, or the Royal College of Physicians and Surgeons of Canada, and family medicine postgraduate training in Canada accredited by the College of Family Physicians of Canada, shall be approved for the postgraduate training specified in Sections 2065, 2066, 2096, 2102, and 2103 of the code.

(b) ~~A current list of such programs shall be maintained on file in the Sacramento office of the division.~~ Postgraduate training programs located in the United States and/or its territories accredited by the American Osteopathic Association that have received initial/pre-accreditation status by the Accreditation Council for Graduate Medical Education shall be approved for the postgraduate training specified in Sections 2065, 2066, 2096, 2102, and 2103 of the code.

(c) An applicant shall have been formally admitted to any postgraduate training program which is completed in order to qualify for licensure as a physician and surgeon. As used in this section, "formally admitted" means the applicant has met the program's requirements for admission to the programs.

(d) An applicant shall have completed one continuous year of approved postgraduate training in a single program in order to qualify for licensure as a physician and surgeon. The one year may be interrupted in cases due to illness or hardship. With respect to an applicant who qualifies for licensure by completing at least two years of approved postgraduate training, the second year shall be one continuous year in a single program, which may be the same or a different program than the first year. The second year may be interrupted in cases due to illness or hardship.

Note: Authority cited: Section 2018, Business and Professions Code. Reference:
Sections 2005, 2037, 2065, 2066, 2096, 2102 and 2103, Business and Professions
Code.