

**PHYSICIAN ASSISTANT COMMITTEE**

MEDICAL BOARD OF CALIFORNIA

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**Agenda Item 9A**

April 6, 2007

President and Members
Medical Board of California
1426 Howe Avenue, Suite 54
Sacramento, CA 95825-3236

Dear President and Members:

Re: Amendments to Physician Assistant Practice Act

The Physician Assistant Committee (PAC) recently took action to amend two Physician Assistant regulations. The PAC reviewed and approved both proposed regulations for comment at its meeting held on March 23, 2006, and held regulation hearings. No opposition was received, the PAC adopted the regulations in February 15, 2007, and the regulations were then submitted to the Office of Administrative Law (OAL).

One of the proposed regulations was to amend section 1399.541(h) to require that all drug orders carried out by a physician assistant on behalf of a supervising physician be in compliance with the 2005 amendments to section 3502.1 of the Business and Professions Code. The second regulatory proposal was to amend a regulation to formally recognize the writing which delegates the medical services from the physician to the physician assistant as a "Delegation of Services Agreement" and require that it be signed and dated by both the supervising physician and the physician assistant.

During its review, OAL determined that PAC lacked authority to adopt either regulation because they are intertwined with a physician assistant's scope of practice. The OAL opined that the authority to amend this regulation falls under the authority granted to the Medical Board of California (MBC) under Business and Professions Code section 3510. As a consequence, PAC has withdrawn the first regulation package and is working with MBC staff in adopting as a non-substantive change. OAL rejected the second regulation package on April 4, 2007 and PAC has a separate agenda item requesting the Division of Licensing to take action to adopt that regulation.

Medical Board of California
Division of Licensing
April 6, 2007

I am requesting MBC's approval of a legislative proposal that would allow the PAC to submit regulations concerning scope of practice for approval, rather than have the Division of Licensing actually adopt the regulations itself. Because of the timing of this action to your board meeting, after discussion with PAC chair, MBC staff and counsel for both agencies, I am asking for your approval prior to the PAC's.



Elberta Portman
Executive Officer

cc: Members, Physician Assistant Committee
David T. Thornton, Executive Director
Kimberly Kirchmeyer, Deputy Director
Linda Whitney, Chief of Legislation, Medical Board of California
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