

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: July 17, 2020
ATTENTION: Members, Medical Board of California
SUBJECT: Proposed Changes to Regulations Regarding Continuing Education
FROM: Kerrie Webb, Senior Staff Counsel

REQUESTED ACTION:

After review and consideration of the proposed amendments to the attached regulation relating to continuing medical education programs offered by the Medical Board of California (Board), 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 the Office of Administrative Law (OAL) to notice the proposed regulatory language to amend Title 16 of the California Code of Regulations (CCR) sections 1337 and 1379.26.
- 3) Authorize staff to make non-substantive changes to the language and respond to non-substantive comments during the rulemaking process without returning to the Board.

BACKGROUND

Physicians and Surgeons

Existing law under Business and Professions Code (BPC) section 2190 directs the Board to adopt and administer standards for the continuing education of physicians and surgeons.

Existing law under BPC section 2190.1 provides, in part, that the educational standards of BPC section 2190 may be met by educational activities that meet the requirements of the Board and that “serve to maintain, develop, or increase the knowledge, skills, and professional performance that a physician and surgeon uses to provide care, or to improve the quality of care provided to patients...”

Existing law under 16 CCR section 1337 describes what programs are approved by the Board for continuing medical education (CME) credits, and includes the following, in pertinent part:

- (1) Programs which qualify for Category 1 credit from the California Medical Association nor the American Medical Association;
- (2) Programs which qualify for prescribed credit from the American Academy of Family Physicians; and
- (3) Programs offered by other organizations and institutions acceptable to the Board.

From time to time, the Board offers its own educational programs for which it wants to provide CME credits to the physicians and surgeons who attend, including expert reviewer training

and forums regarding opioid prescribing. The proposed amendments to 16 CCR section 1337 identified in the language below will clarify the regulation to specify that programs offered by the Board for continuing education that meet the requirements set forth in BPC section 2190.1, are approved for CME credit. Additionally, this regulation will be amended to remove the outdated reference to “division” and replace it with “board,” and to update the authority and reference citations in the note.

Licensed Midwives

Existing law under BPC section 2518 requires licensed midwives to submit documentation confirming they have completed required continuing education (CE) in areas that fall within the scope of practice of midwifery, as specified by the Board.

Existing law under 16 CCR section 1379.26 describes what programs are approved by the Board for CE credits, and includes the following, in pertinent part:

- (1) Programs offered by the American College of Nurse Midwives;
- (2) Programs offered by the Midwives Alliance of North America;
- (3) Programs offered by a midwifery school approved by the Board;
- (4) Programs offered by a state college or university or by a private postsecondary institution accredited by the Western Association of Schools and Colleges;
- (5) Programs offered by a midwifery school accredited by the Midwives Education Accreditation Council;
- (6) Programs which qualify for Category I credit from the California Medical Association or the American Medical Association;
- (7) Programs offered by the Public Health Service;
- (8) Programs offered by the California Association of Midwives;
- (9) Programs offered by the American College of Obstetricians and Gynecologists;
and
- (10) Courses offered by a provider approved by the California Board of Registered Nursing or the board of registered nursing of another state in the United States.

Just like with physicians and surgeons, the Board occasionally offers its own educational programs for which it wants to provide CE credits to licensed midwives who attend, including expert reviewer training. The proposed amendments identified in the language below will clarify 16 CCR section 1379.26 to specify that programs offered by the Board for continuing education are approved for CE credit. Additionally, this regulation will be amended to remove the outdated reference to “division” and replace it with “board,” and to update the name of “California Association of Midwives,” which changed its name to “Californians for the Advancement of Midwifery.”

STAFF RECOMMENDATION:

Staff recommends the Board grant authorization to proceed with preparing the necessary rulemaking documents to submit to DCA and Agency for approval, prior to sending the documents to OAL to notice the proposed amendments. Staff further recommends the Board authorize staff to make non-substantive changes to the language and respond to non-substantive comments during the rulemaking process without returning to the Board.

**MEDICAL BOARD OF CALIFORNIA
CONTINUING EDUCATION OFFERED BY THE BOARD
Proposed Text**

Underlined: Indicates proposed additions to the existing regulation.

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

1. Amend Section 1337 in Article 11 of Chapter 1, Division 13, of Title 16 of the California Code of Regulations to read as follows:

§ 1337. Approved Continuing Education Programs.

(a) The following programs are approved by the ~~division~~ board for continuing education credit:

(1) Programs which qualify for Category I credit from the California Medical Association or the American Medical Association;

(2) Programs which qualify for prescribed credit from the American Academy of Family Physicians;

(3) Programs offered by the board;

(4) Programs offered by other organizations and institutions acceptable to the ~~division~~ board.

(b) Only those courses and other educational activities that meet the requirements of Section 2190.1 of the code which are offered by these organizations shall be acceptable for credit under this section.

(c) A maximum of one-third of the required hours of continuing education may be satisfied by teaching or otherwise presenting a course or program approved under this section.

(d) Any physician who takes and passes a certifying or recertifying examination administered by a recognized specialty board shall be granted credit for four (4) consecutive years (100 hours) of continuing education credit for relicensure purposes. Such credit may be applied retroactively or prospectively.

(e) A maximum of sixty (60) hours of continuing education shall be granted to a physician for receiving the Physician's Recognition Award.

(f) A maximum of six (6) hours of continuing education shall be granted for each month that a physician is engaged in an approved postgraduate residency training program or approved clinical fellowship program accredited by the Accreditation Council for Graduate Medical Education (ACGME) for relicensure purposes.

Note: Authority cited: Section 2018 and 2190, Business and Professions Code. Reference: Section 2190 and 2190.1, Business and Professions Code.

2. Amend Section 1379.26 in Article 4 of Chapter 4, Division 13, of Title 16 of the California Code of Regulations to read as follows:

§ 1379.26. Approved Continuing Education Programs.

(a) The following programs are approved by the ~~division~~ board for continuing education credit:

(1) Programs offered by the American College of Nurse Midwives;

(2) Programs offered by the Midwives Alliance of North America;

(3) Programs offered by a midwifery school approved by the ~~division~~ board;

- (4) Programs offered by a state college or university or by a private postsecondary institution accredited by the Western Association of Schools and Colleges;
 - (5) Programs offered by a midwifery school accredited by the Midwives Education Accreditation Council;
 - (6) Programs which qualify for Category I credit from the California Medical Association or the American Medical Association;
 - (7) Programs offered by the Public Health Service;
 - (8) Programs offered by the ~~California Association of Midwives~~ Californians for the Advancement of Midwifery;
 - (9) Programs offered by the American College of Obstetricians and Gynecologists; ~~and~~
 - (10) Courses offered by a provider approved by the California Board of Registered Nursing or the board of registered nursing of another state in the United States; and
 - (11) Programs offered by the board.
- (b) Only those courses and other education activities that meet the requirements of Section 1379.27 which are offered by these organizations shall be acceptable for credit under this section.
- (c) A maximum of one third of the required hours of continuing education may be satisfied by teaching or otherwise presenting a course or program approved under this section.
- (d) Tape-recorded courses and correspondence courses offered by an approved provider shall be accepted for no more than half of the total required hours.

Note: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2518, Business and Professions Code.