

MEDICAL BOARD OF CALIFORNIA  
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 1646  
 AUTHOR: Nguyen, Stephanie  
 BILL DATE: April 27, 2023, Amended  
 SUBJECT: Physicians and Surgeons  
 SPONSOR: Planned Parenthood Affiliates of California

DESCRIPTION OF CURRENT LEGISLATION

Expands an existing Medical Board of California (Board) regulation to authorize a resident enrolled in an out-of-state postgraduate training program (PGTP) accredited by the Accreditation Council for Graduate Medical Education (ACGME) to receive medical training in California, for up to a 90-day period, without obtaining a Board license.

BACKGROUND

Under the Board's current regulations ([see Title 16, section 1320\(b\)](#)) an out-of-state resident may participate in a guest rotation to receive medical training in California without obtaining a Board license if they meet all the following criteria:

1. They are participating in a California PGTP, accredited by ACGME.
2. The length of all rotations does not exceed 90 days.
3. They graduated from a medical school approved by the Board ([see Business and Professions Code \(BPC\) section 2084](#)).
4. They are engaged in an ACGME-accredited PGTP in another state.

There is no reporting requirement associated with this licensure exemption, therefore, the Board does not track the instances of individuals who practice temporarily in California pursuant to this regulation.

[BPC section 2064.5](#) requires an individual to obtain a postgraduate training license (PTL) within six months of enrolling within a California based PGTP. If an individual has been accepted into a PGTP in this state, is seeking a physician's and surgeon's license, and has at least 12 months of training in an ACGME-accredited PGTP from another state, that person has 90 days from the date they start their program in California to obtain their license. ACGME requires the accredited sponsoring institution<sup>1</sup> to have a

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<sup>1</sup> Defined as: organization or entity that assumes the ultimate financial and academic responsibility for a program of graduate medical education, consistent with the ACGME Institutional Requirements. Source: [ACGME Program Director Guide to the Common Program Requirements](#), p. 9 of the PDF.

program letter of agreement (PLA) in place for each participating site<sup>2</sup> where the institution's residents will engage in training. According to ACGME<sup>3</sup>:

“While all residency programs must be sponsored by a single ACGME-accredited Sponsoring Institution, many programs will utilize other clinical settings to provide required or elective training experiences. At times it is appropriate to utilize community sites that are not owned by or affiliated with the Sponsoring Institution. Some of these sites may be remote for geographic, transportation, or communication issues. When utilizing such sites the program must ensure the quality of the educational experience.”

A PLA<sup>4</sup> “is a written document that addresses graduate medical education (GME) responsibilities between a program and a participating site at which residents have required educational experiences.” The designated institutional official, who has authority and oversight of the training program, must approve each PLA, renew them at least every 10 years, and monitor the clinical learning and working environment at all participating sites.

## ANALYSIS

The author's fact sheet notes that prior to the recent U.S. Supreme Court decision that overturned *Roe v. Wade*, 92 percent of residents in an OB-GYN program had access to abortion training. According to [this report](#), almost half of those programs are in states with, or are likely to enact, abortion bans. Further, the author states:

“Lack of training, for OB-GYN, family doctors, and other health care professionals, will only worsen the impact on patient's access to care in years to come. Postgraduate medical education is a crucial step in the professional development for a physician between medical school and autonomous clinical practice. It is during this time that residents learn to provide optimal patient care under the supervision of licensed medical professionals.”

## **How AB 1646 Differs from Current Board Regulations**

With respect to the existing Board regulation, this bill modestly expands the current licensure exemption by removing the requirement (see Background section above) that the out-of-state resident participates in a California PGTP. In essence, the bill would

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<sup>2</sup> Defined as: an organization providing educational experiences or educational assignments/rotations for residents. Source: Ibid, p. 11 of the PDF.

<sup>3</sup> Source: Ibid, p. 15 of the PDF.

<sup>4</sup> Source: Ibid, p. 16 of the PDF.

allow the same type of guest rotations, except that participation with a California PGPT would no longer be required.

The bill states that the participant in guest rotations may practice whenever and wherever as part of that training program and receive compensation for that practice.

AB 1646 is not limited to a specific area of medicine, but, according to the sponsor, the bill is intended to ease access into guest rotations at their facilities to provide training in gynecological services, including abortions. As the Board does not track the volume of these guest rotations, the Board cannot estimate whether this will increase the frequency of their use.

Under ACGME policies, regardless of their location, a PGTP must have a PLA with any participating site, which requires program director oversight to ensure that any training provided is appropriate.

### **Consideration of a Board Position**

AB 1646 may modestly ease access to valuable California-based training. The bill, by itself, however, is not expected to substantially increase the volume of out-of-state residents receiving training in this state, as this is already allowed under current law and ACGME standards. To streamline training opportunities and improve access to quality medical care, Board staff recommends a support position.

FISCAL: None expected.

SUPPORT: California Academy of Family Physicians  
California Legislative Women's Caucus  
California Nurse-Midwives Association  
California State Council of Service Employees International Union  
NARAL Pro-Choice California

OPPOSITION: None identified.

POSITION: Recommendation: Support

ATTACHMENT: [AB 1646, Nguyen – Physicians and Surgeons: Postgraduate Training: Guest Rotations](#)  
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