

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
Division 13
MEDICAL BOARD OF CALIFORNIA

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING
APPROVED CERTIFYING ORGANIZATIONS

Amend Title 16 California Code of Regulations
Sections 1366.3, 1366.31, and 1379.07

NOTICE IS HEREBY GIVEN that the Medical Board of California (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

The Board has not scheduled a public hearing on this proposed action. The Board will, however, hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under Contact Person in this notice.

Comment Period

Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this notice, must be **received by the Board at its office no later than 5:00 p.m. on Tuesday, July 20, 2021**, or at the hearing, if applicable.

Availability of Modifications

The Board may, after considering all timely and relevant comments, adopt the proposed regulations substantially as described in this notice, or may modify the proposed regulations if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference

Pursuant to the authority vested by Section 2018 of the Business and Professions Code (BPC), and to implement, interpret, or make specific sections 2069, 2070, 2071, and 2516.5 of said Code, the Board is proposing amendments to Sections 1366.3, 1366.31, and 1379.07 of Division 13 of Title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST

BPC section 2018 authorizes the Board to adopt, amend, or repeal regulations as may be necessary to enable it to carry into effect the provisions of law relating to the practice of medicine. The Board is proposing the following changes in this rulemaking:

Amend 16 CCR section 1366.3 (Administration of Training)

Existing law under 16 CCR section 1366.3 provides the pathways for training medical assistants.

This rulemaking proposes to amend this section by updating the language to make it consistent with the Education Code and current law, and to specify that medical assistant education programs must comply with the applicable statutes as well as all regulations adopted pursuant to those statutes.

This rulemaking also proposes to update the name of the Bureau for Private Postsecondary Education by striking “and Vocational” from the name, and to replace “division” with “Board” to update the reference to the Board with current language.

Amend 16 CCR section 1366.31 (Approved Certifying Organizations)

Existing law under 16 CCR section 1366.31 sets forth the requirements for an organization seeking to be a Board-approved organization for certifying medical assistants.

This proposal amends this section by replacing “division” with “Board” to update the reference to the Board with current language. It also strikes the requirement for an applicant to provide a social security number.

Further, this proposal seeks to clarify the requirement under subdivision (a)(4) by requiring documentation establishing that the applicant is accredited by the National Commission for Certifying Agencies (NCCA), and deleting the requirement for the applicant to provide the name, address and telephone number of the accrediting organization that accredited the applicant.

This proposal also eliminates the requirement for the applicant to be a non-profit, tax exempt organization.

Additionally, this proposal clarifies the requirements for certifying a medical assistant by providing reference to the training requirements under 16 CCR section 1366.3(a)(2) and deleting extraneous language.

This proposal further amends this section to require a medical assistant certifying organization approved by the Board prior to the requirement for NCCA accreditation to reapply for and demonstrate compliance with all of the requirements of this section by January 1, 2027, or its approval will be terminated.

This proposed rulemaking also deletes old language that is no longer applicable, and makes clarifying, non-substantive changes to improve readability and to update the subdivision lettering and numbering.

Amend 16 CCR section 1379.07 – Approved Certifying Organizations

Existing law under 16 CCR section 1379.07 sets forth the requirements for an organization seeking to be a Board-approved organization for certifying midwife assistants.

This proposed rulemaking amends this section to clarify that the applicant must be accredited by the National Commission for Certifying Agencies, and deletes the extraneous language, “or an accrediting organization that is equivalent thereto.”

This proposal also eliminates the requirement for the applicant to be a non-profit, tax exempt organization and updates the numbering within the section.

Policy Statement Overview/Anticipated Benefits of Proposal

On November 9, 2018, the Board received a petition for rulemaking pursuant to Government Code section 11340.6 to remove the requirement that medical assistant certifying organizations be nonprofit, tax-exempt organizations and to require accreditation from the NCCA, which is the accrediting body of the Institute for Credentialing Excellence. The Board authorized staff to move forward with the proposed rulemaking on August 9, 2019.

This proposal will update the regulations for consistency with current statutes and terminology and will allow for-profit medical and midwife assistant certifying organizations to be eligible for Board approval if they are accredited by the NCCA and meet the other existing requirements for applicants. Eliminating the requirement that the certifying organization be non-profit may result in an increase in medical and midwife assistant certifying organizations, which could increase the options for medical and midwife assistants to choose an approved certifying organization that meets their needs. Further, this proposal seeks to ensure that certifying organizations approved by the Board meet accepted standards by requiring accreditation by the NCCA. Consequently, this proposed rulemaking will improve accessibility and credibility of the certifying agencies approved by the Board, while removing a barrier to qualify for Board approval.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search for any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The proposed regulations do not result in a fiscal impact to the state. Because the Board already approves and certifies medical or midwife assistant organizations, as specified, and because the regulations better align the Board's regulations with current law, there is no fiscal impact.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None.

Business Impact: The Board has made an initial determination that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

This initial determination is based on the fact that the proposed amendments will eliminate the requirement that an approved certifying organization be non-profit, and thus will potentially provide more opportunity for medical and midwife assistant certifying organizations to qualify for Board approval.

While this proposal does require certifying organizations to be accredited by the NCCA, accreditation is already required, and this is an accepted national standard that certifying organizations already seek.

Cost Impact on Representative Private Person or Business: The proposed regulations do not result in additional costs to individuals or business.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS:

The Board has determined that this rulemaking proposal will not likely have an effect on small businesses, except that more certifying organizations may be eligible for Board approval with the elimination of the requirement that that the certifying agency be non-profit and tax exempt.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has made an initial determination that this regulatory proposal may have a minor positive impact on the creation of jobs or new businesses, but will not likely have an impact on the elimination of jobs or existing businesses, or the expansion of businesses in the State of California.

The Board has made this initial determination because the proposed amendments will eliminate the requirement that an approved certifying organization be non-profit, and thus will potentially provide more opportunity for medical and midwife assistant certifying organizations to qualify for Board approval.

Benefits of Regulation:

This proposal will eliminate the requirement that an approved certifying organization be non-profit, and thus will potentially provide more opportunity for medical and midwife assistant certifying organizations accredited by the NCCA to qualify for Board approval. With more certifying organizations qualifying for Board approval, medical and midwife assistants will have additional options to choose from for a certifying organization that meets their needs.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, any document incorporated by reference, the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the person designated in the Notice under Contact Person, below, or by accessing the Board's website at [http://www.mbc.ca.gov/About Us/Laws/Proposed Regulations](http://www.mbc.ca.gov/About_Us/Laws/Proposed_Regulations).

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Alexandria Schembra
Address: Medical Board of California
2005 Evergreen St, Ste. 1200
Sacramento, CA 95815
Telephone No.: (916) 263-2389
Fax No.: (916) 263-2387
E-Mail Address: regulations@mbc.ca.gov

The backup contact person is:

Name: Kerrie Webb
Address: Medical Board of California
2005 Evergreen Street, Ste. 1200
Sacramento, CA 95815
Telephone No.: (916) 263-2389
Fax No.: (916) 263-2387
E-Mail Address: regulations@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at [http://www.mbc.ca.gov/About Us/Laws/Proposed Regulations](http://www.mbc.ca.gov/About_Us/Laws/Proposed_Regulations).