

TITLE 16. MEDICAL BOARD OF CALIFORNIA
NOTICE OF PROPOSED REGULATORY ACTION

Amend Title 16 California Code of Regulations
Sections 1320 and 1321

NOTICE IS HEREBY GIVEN that the Medical Board of California (Board) is proposing to take the action described in the Informative Digest.

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 his or her 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 August 3, 2020, 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 2037, 2064.5, 2065, 2084, 2096, 2135, and 2428 of said code, the Board is considering changes to Title 16, Division 13, Chapter 1, Article 6, California Code of Regulations (CCR) sections 1320 and 1321 as follows:

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. Senate Bill (SB) 798 (Hill, Chapter 775, Statutes of 2017) made revisions to postgraduate training and licensing requirements for physicians and surgeons that

became operative on January 1, 2020. The primary purpose of this proposal is to implement, interpret and make specific the provisions of BPC sections 2037, 2064.5, 2065, 2084, 2096, 2135, and 2428 relative to postgraduate training and requirements for a physician's and surgeon's license. Accordingly, the Board is proposing the following changes:

Amend 16 CCR section 1320. Postgraduate Training Exemption Period; Guest Rotations

Proposed Amendments to 16 CCR section 1320, subdivision (a)

Existing law under 16 CCR section 1320, subdivision (a), sets forth the licensing exemption period during which an individual can practice medicine in an approved postgraduate training program in California without a physician's and surgeon's license.

This rulemaking proposes to amend 16 CCR section 1320, subdivision (a), to specify that postgraduate training for which the applicant received credit counts toward the exemption period. Additionally, this proposal strikes reference to the two-year and three-year exemption periods and amends 16 CCR section 1320, subdivision (a), to include a 39-month exemption period, pursuant to statutory changes made by SB 798. Reference to BPC section 2066 will be deleted, as this section was repealed as of January 1, 2020.

Additionally, this proposal clarifies that all postgraduate training meeting the requirement of the code is counted, regardless of whether the postgraduate training program was successfully completed.

Proposed Amendments to 16 CCR section 1320, subdivision (b)

Existing law under 16 CCR section 1320, subdivision (b), sets forth an exception to section 1320, subdivision (a), to permit an individual meeting certain requirements to participate in guest rotations in an approved postgraduate training program.

Under this proposed rulemaking, 16 CCR section 1320, subdivision (b), will be amended to fix the typo in the word "notwithstanding." This section will be further amended to indicate that a person seeking to participate in a guest rotation must have graduated from an approved medical school pursuant to BPC section 2084. Additionally, this proposal deletes extraneous language from the section, which was no longer applicable as of January 1, 2020.

Amend 16 CCR section 1321. Approved Postgraduate Training

Proposed Amendments to 16 CCR section 1321, subdivision (a)

Existing law under 16 CCR section 1321, subdivision (a), sets forth what postgraduate training programs are approved to meet the requirements for licensure as a physician

and surgeon.

This proposal strikes the phrase, “meeting the standards of” in reference to postgraduate training programs meeting the standards of specified accreditation entities, and clarifies that only accredited postgraduate training programs located in the United States and/or its territories or in Canada are approved by the Board to meet the postgraduate training requirement to be eligible for a California physician’s and surgeon’s license.

Further, this proposal will specify that family medicine postgraduate training programs in Canada accredited by the College of Family Physicians of Canada (CFPC) are approved to meet the postgraduate training requirement to be eligible for a California physician’s and surgeon’s license.

This proposal also makes a non-substantive correction to 16 CCR section 1321, subdivision (a), by changing the word “on” to “for” so that the language correctly reads: “Accreditation Council for Graduate Medical Education.” Additionally, this rulemaking strikes references to BPC sections 2066, 2102, and 2103, as these sections were repealed as of January 1, 2020, and it will add a reference to section 2064.5, which became operative on January 1, 2020, and sets forth the requirements for a postgraduate training license.

Proposed Amendments to 16 CCR section 1321, subdivision (b)

Existing law under 16 CCR section 1321, subdivision (b), indicates that a current list of programs shall be maintained on file in the Sacramento office of the division.

This proposal strikes 16 CCR section 1321, subdivision (b), as it is unnecessary.

Proposed Amendments to 16 CCR section 1321, subdivision (c)

Existing law under 16 CCR section 1321, subdivision (c), provides that an applicant shall have been formally admitted to any postgraduate training program which is completed in order to qualify for a physician’s and surgeon’s license, and provides a definition for “formally admitted.”

This proposal will re-letter this subdivision to “(b)” and clarify that an applicant shall have been formally admitted to any approved postgraduate training program to qualify for licensure, and strikes the requirement that the postgraduate training program be “completed,” since this is not a requirement in law. This proposal also makes a grammatical correction by changing “programs” to “program” in the last line of this subdivision.

Proposed Amendments to 16 CCR section 1321, subdivision (d)

Existing law under 16 CCR section 1321, subdivision (d), requires applicants to have completed at least one continuous year of postgraduate training in a single program to qualify for licensure as a physician and surgeon. Under existing law, this requirement applies if the applicant graduated from a United States or Canadian medical school. This section further indicates that for those applicants who qualify for licensure by completing at least two years of approved postgraduate training, the second year shall be completed in one continuous year in a single program. Under existing law, this requirement applies if the applicant graduated from an international medical school.

Further, existing law under 16 CCR section 1321, subdivision (d), provides that the continuous year required to be completed in a single program for both domestic and international medical school graduates may be interrupted due to illness or hardship.

This rulemaking amends 16 CCR section 1321, subdivision (d), by re-lettering it to subdivision “(c)” and eliminating the distinction between graduates of domestic and international medical schools. Proposed amendments to this subdivision will clarify that applicants are required to complete at least 24 continuous months out of the required 36 months of postgraduate training in a single program in order to qualify for a physician’s and surgeon’s license.

Additionally, this proposal deletes the reference to the one-year period that may be interrupted due to illness or hardship, and to indicate, instead, that the “period required for postgraduate training” may be interrupted due to illness or hardship.

This proposal also deletes unnecessary language from 16 CCR section 1321, subdivision (d), including the words “in cases,” and the last two sentences specific to international medical school graduates required to complete at least two years of approved postgraduate training.

Policy Statement Overview/Anticipated Benefits of Proposal

This proposal will amend 16 CCR sections 1320 and 1321 to update these regulations for consistency with statutory changes that became operative on January 1, 2020, per SB 798. These amendments will avoid confusion regarding postgraduate training and licensing requirements for individuals seeking a physician’s and surgeon’s license in California. Additionally, this regulatory action furthers the goal of consumer protection through the proper licensing and regulation of physicians and surgeons.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search of 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: None.
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 would 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 to 16 CCR sections 1320 and 1321 will simply update the language in these sections for consistency with statutory changes that became operative on January 1, 2020, to avoid confusion regarding postgraduate training and licensing requirements for physicians and surgeons in California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation will not affect small businesses, since the proposed amendments to 16 CCR sections 1320 and 1321 will simply update the language for consistency with statutory changes that became operative on January 1, 2020, to avoid confusion regarding postgraduate training and licensing requirements for physicians and surgeons in California.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. This determination has been made based upon the fact that the proposed amendments will

simply update the language for consistency with statutory changes that became operative on January 1, 2020, to avoid confusion regarding postgraduate training and licensing requirements for physicians and surgeons in California.

Benefits of Regulation:

This rulemaking will amend 16 CCR sections 1320 and 1321 for consistency with statutory changes that became operative on January 1, 2020, pursuant to SB 798. These amendments will provide clarity regarding postgraduate training and licensing requirements to individuals seeking a physician's and surgeon's license in California. This regulatory action furthers the goal of consumer protection through the proper licensing and regulation of physicians and surgeons. This regulatory action will not benefit worker safety or the state's environment.

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 at the hearing, if one is held, or 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 that 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:

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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).