

MEETING MINUTES
November 6, 2023
8:30 A.M. – 5:00 P.M.
PHYSICIAN ASSISTANT BOARD
1625 North Market Boulevard
First Floor, Hearing Room # 102
Sacramento, CA 95834

1. Call to Order by President

President Armenta called the meeting to order at 8:45 a.m.

2. Roll Call

Staff called the roll. A quorum was present.

Board Members Present: Charles Alexander, PhD
Juan Armenta, Esq.
Jennifer Carlquist, PA-C
Sonya Earley, Ed.D, PA-C
Jed Grant, DMSc, PA-C
Randy Hawkins, M.D.
Diego Inzunza, PA-C
Vasco Deon Kidd, DMSc, PA-C
Deborah Snow (arrived at 8:50 a.m.)

Staff Present: Rozana Khan, Executive Officer
Michael Kanotz, Attorney III
Karen Halbo, Regulatory Counsel, Attorney III
Kristy Voong, Assistant Executive Officer (WebEx)
Jasmine Dhillon, Legislative/Regulatory Specialist
Armando Melendez, Complaint Analyst
Christina Haydon, Discipline Analyst
Virginia Gerard, Probation Monitor
Ariel Zeagas, Administrative Analyst
Jennifer Jimenez, Licensing Analyst

3. Consider Approval of August 4, 2023, Board Meeting Minutes

M/ Juan Armenta S/ Sonya Earley to:

Approve the August 4, 2023, Meeting Minutes.

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant	X				
Diego Inzunza	X				
Vasco Deon Kidd	X				
Deborah Snow				X	

44 No public comment.

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4. Public Comment on Items Not on the Agenda

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(Note: The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda for a future meeting. [Government Code Sections 11125, 11125.7(a).])

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No public comment.

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5. Nomination and Election of Physician Assistant Board Officers

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Mr. Kanotz specified that Business and Professions Code (BPC) section 3509.5 states that the Board shall elect annually a president and a vice president from among its members. Mr. Kanotz first opened the floor for nominations for President of the Physician Assistant Board. Mr. Armenta nominated Dr. Earley. Dr. Kidd seconded the nomination. Dr. Earley accepted the nomination and stated that she looks forward to serving in 2024.

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M/ Juan Armenta S/ Vasco Deon Kidd to:

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Motion to nominate Sonya Earley for Board President in 2024.

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Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant	X				
Diego Inzunza	X				
Vasco Deon Kidd	X				
Deborah Snow	X				

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Mr. Armenta commented that 2024 will be Dr. Earley’s last year with the Board and being her exit year, Mr. Armenta feels that the knowledge she can bring to the Board is important and should be taken advantage of.

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Mr. Kanotz then asked for nominations for Vice President. Mr. Armenta nominated Dr. Kidd. Dr. Earley seconded the nomination. Dr. Kidd stated that it is a pleasure and honor to serve and thanked the Board for their confidence in him and thanked Mr. Armenta for his leadership as President of the Board.

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Mr. Armenta commented that when Dr. Grant asked him to consider being the Board President, Mr. Armenta thought it was important for the Board to have a legal perspective during the implementation of Senate Bill (SB) 697. Mr. Armenta stated that it has been his honor to serve within that capacity. Both Dr. Earley and Dr. Kidd have shown interest in leadership within the Board, given their knowledge and dedication, Mr. Armenta believes it is a wise choice to nominate them. Mr. Armenta believes that they will add to the institutional knowledge to the Board.

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M/ Juan Armenta S/ Sonya Earley to:

Motion to nominate Vasco Deon Kidd for Vice President in 2024.

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant	X				
Diego Inzunza	X				
Vasco Deon Kidd	X				
Deborah Snow	X				

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No public comment.

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6. Board Member Recognition and Commendations

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Kimberly Kirchmeyer, Department of Consumer Affairs (DCA) Director stated that she is honored to be before the Board in a bittersweet moment as it is sad to lose long-time members. Ms. Kirchmeyer wanted to come before the Board to acknowledge the service of Dr. Grant and Ms. Carlquist and thank both for their service to the Board and to the State. Ms. Kirchmeyer thanked Dr. Grant for his leadership as Board President, providing information and teaching about the PA profession, and carrying this Board from a committee into the Board that is not under the guise of the Medical Board of California (MBC) and is producing its own work. Ms. Kirchmeyer thanked Ms. Carlquist for her input and decisions, and serving on committees.

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Dr. Grant thanked Ms. Kirchmeyer for her heartfelt comments, stating that he had enjoyed being able to work closely with her and that her leadership and support of the Board is appreciated.

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Ms. Carlquist thanked Ms. Kirchmeyer for the support she has provided, stating that she is sad to leave the Board but knows that the Board is left in capable hands.

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Mr. Armenta commented that as a non-PA member he has learned a lot from both Dr. Grant and Ms. Carlquist regarding the PA profession, and that they set a great example in terms of helping educate non-PA Board members. During the challenge of implementing SB 697, both Dr. Grant and Ms. Carlquist were instrumental in moving this forward. Mr. Armenta thanked both for their service to the Board and to the state.

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Public comment:

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Robert Sachs, former Board President, stated that both Dr. Grant and Ms. Carlquist served on the Board when he was Board President for several years. Mr. Sachs stated that he met Dr. Grant when he was an instructor and program director at San Joaquin PA Program. Dr. Grant was a program director, an instructor, a police officer for the city of Visalia and also did emergency medicine. When Dr. Grant joined the

127 Board, he gave up law enforcement, but picked up more in military, most recently
128 with his status as Lieutenant Colonel. Dr. Grant was eloquent at getting some of the
129 legislation passed during Mr. Sachs' tenure as President and Vice President and
130 also a father, husband, and instructor who impacted many lives and protected the
131 California consumers. Ms. Carlquist was right behind Dr. Grant doing many great
132 things, specializing in cardiology. Mr. Sachs congratulated both members.
133

134 Dr. Grant thanked Mr. Sachs for his comments and thanked him for his mentorship.
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136 Ms. Carlquist thanked Mr. Sachs for his comments and leadership, reminiscing
137 about the first day that she was on the Board and how Mr. Sachs and Dr. Grant
138 made her feel welcome.
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140 **7. President's Report**

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142 Mr. Armenta reported that within the last Board meeting there was an agenda item
143 discussing the Physician Assistant (PA) name change advocated by California
144 Academy of Physician Associates (CAPA). Mr. Armenta has decided that with his
145 capacity as Board President, not to put this item on the Board's Agenda. The reason
146 being, that although there is great interest in this item among the community, the
147 Board's mission is protection of the public. There was commentary that the Board
148 could collaborate under a policy basis and acquire data that would support a policy
149 basis for a change in name. However, that crosses over into the legislative area. Mr.
150 Armenta believes that this is beyond the Board's scope. The Board is not a
151 legislative body but a public protection body. Though this item has not been added
152 to this meeting's agenda, it is important for the public to understand clearly that if
153 legislation does make its way to the Board, the Board would then give it proper due
154 consideration.
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156 Mr. Armenta stated that he is continuing to have biweekly meetings with Executive
157 Officer Ms. Khan and Vice President Dr. Earley to discuss Board operations.
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159 Mr. Armenta nominated Dr. Kidd to work on the Education Workforce Development
160 Advisory Committee with Dr. Alexander.
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162 Dr. Kidd accepted the nomination.
163

164 No public comment.
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166 **8. Executive Officer's Report**

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168 Ms. Khan referred members to Agenda Item 8 and reported the following.
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170 A. Personnel

171
172 Ms. Khan announced that Pearl Her will be joining the Board on November 7, 2023,
173 as the Enforcement and Licensing Support Technician. Ms. Her is currently the
174 Receptionist at the Physical Therapy Board of California. Additionally, recruitment is
175 underway to fill the vacant Administrative Office Technician position. An update
176 regarding the vacant position will be provided at the next Board meeting.
177

178 To enhance operational efficiency, consumer protection, and realize cost savings;

179 the Board believes that it is critical to its mission and success that it employs its own
180 non-sworn Special Investigator. Currently, the Board has one complaint analyst who
181 conducts initial desk investigations for all complaints. If further investigation is
182 warranted, the complaint is forwarded to DCA's Division of Investigation (DOI),
183 Health Quality Investigation Unit (HQIU) for a comprehensive investigation. DOI
184 investigators are sworn peace officers. The Board has identified several case types
185 that can be investigated and referred for prosecution without the use of a sworn
186 investigator. Redirecting such cases to non-sworn personnel can streamline
187 processes and reduce costs. Many tasks associated with investigations can be
188 performed by non-sworn investigators, such as detecting and verifying violations,
189 interviewing witnesses, gathering information, analyzing testimony, serving legal
190 papers, or serving as an expert witness amongst other non-sworn duties. This
191 ensures sworn investigators focus on tasks needing peace officer powers, like use of
192 firearms, arrests, or search and seizure. The Board will continue to utilize HQIU for
193 criminal investigations that can only be handled by a sworn peace officer.
194

195 On August 10, 2023, the Board submitted a recruitment package to the DCA Office
196 of Human Resources to establish the non-sworn Special Investigator blanket
197 position for a limited term of 24 months to collect workload data and cost savings.
198 The aim is to eventually make this a permanent position through a future Budget
199 Change Proposal. On August 24, 2023, the package was approved. Recruitment for
200 the non-sworn Special Investigator is underway, with the expectation to fill the
201 position before the next Board meeting.
202

203 B. Outreach

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205 Board staff attended the annual CAPA conference during Physician Assistant Week-
206 October 5-8, 2023, in Anaheim. This event provided an essential outreach
207 opportunity for Board staff to answer questions from licensees and students and
208 provide updates regarding laws and regulations governing the PA practice.
209

210 Mr. Armenta inquired about the progress regarding recruiting a candidate for the
211 Special Investigator position. Ms. Khan responded that the Board has reviewed the
212 applications received and hopes to set up interviews next month.
213

214 Mr. Armenta asked what type of background experience the candidates typically
215 have. Ms. Khan responded that generally the non-sworn investigators have
216 completed desk investigations at the Associate Governmental Program Analyst
217 (AGPA) level.
218

219 Dr. Hawkins asked if individuals who visited the Board's booth at the CAPA
220 conference had recurring topics, comments, or questions. Ms. Khan responded that
221 there were questions regarding what new laws were passed and there were PA
222 students inquiring about the application process.
223

224 No public comment.
225

226 **9. Board Activity Reports**

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228 A. Licensing

229

230 Ms. Voong referred members to Agenda Item 9A and reported the following

231 Licensing Population by Type, Summary of Licensing Activity, Pending Application
232 Workload, and Licensing Performance Measures reports.

233
234 Ms. Voong reported that the Board now has two license types, the regular full PA
235 license and now a temporary PA license. Effective July 1, 2023, each DCA licensing
236 board and bureau was required to grant temporary licensure to the spouse or
237 domestic partner of an active-duty military member stationed in California if the
238 applicant is currently licensed and holds an active and unrestricted license in
239 another state with the same scope of practice as the profession in California, for
240 which they would like to practice. This applicant population also receives expedited
241 processing and initial application and license fee waivers. The temporary license is
242 nonrenewable and expires 12 months after issuance. If an individual wishes to
243 continue to practice medicine in California after the temporary license expires, they
244 will need to reapply for a regular full PA license.

245
246 **B. Complaints**

247
248 Mr. Melendez referred members to Agenda Item 9B and reported the following
249 Complaint Statistics and Complaints Received by Type and Source Reports.

250
251 Dr. Earley asked if the intake days are the same as the desk age, where it captures
252 the start time. Mr. Melendez responded that on average he starts working on a case
253 six days after receipt.

254
255 Dr. Grant inquired if the year-to-year change in percentage reflect the whole year or
256 quarter. Mr. Melendez confirmed the percentage change is for the whole year.

257
258 Dr. Grant asked if Mr. Melendez believes that having an internal non-sworn
259 investigator will help with the investigation's aging. Mr. Melendez stated that he
260 believes so, as they will be working with the complaint analyst to build efficiency.

261
262 **C. Discipline**

263
264 Ms. Haydon referred members to Agenda Item 9C and reported the following
265 Discipline Statistics Report.

266
267 Mr. Armenta commented that the numbers are more reflective of the due process
268 that is required to be given to the accused; they then have an opportunity to review
269 and respond by presenting their own evidence. It is important for the Board to keep
270 in mind that when seeing that the average desk age is 364 days, this should not
271 cause alarm.

272
273 **D. Probation**

274
275 Ms. Gerard referred members to Agenda Item 9D and reported the following
276 Probation Activity Report.

277
278 Ms. Gerard explained that when a licensee is tolling, this means that the licensee is
279 not practicing in the state or within the state that they reside. They may also have
280 been dropped from their insurance due to being fired. When a licensee is placed on
281 probation, they are instructed as a condition of their probation to continue to work as
282 a PA within the state their license was issued. In previous years if the probationer

283 left the state, their probation time would run as if they had not spent time completing
284 their probation. This led to the rule that time spent not practicing within California will
285 be added onto their probation. If a probationer spends 2 years tolling, they are in
286 violation of their probation.

287
288 E. Diversion

289
290 Ms. Gerard referred members to Agenda Item 9E and reported the following
291 Diversion Program Activity Report.

292
293 Ms. Gerard reported that she has monthly meetings with the Diversion Program
294 Liaison Virginia Matthews. Ms. Matthews is also the President of the National
295 Organization for Alternative Programs (NOAP). Attendance is down nationwide for
296 the diversion programs and there were speculations that healthcare staff may be
297 looking the other way due to healthcare shortages. As of now this is just speculation,
298 however Ms. Matthews shared that she is going to form a committee to find out why
299 the numbers are down.

300
301 Ms. Gerard also reported that individuals may not be accepted into the Diversion
302 Program if they do not have a diagnosis of substance abuse or if the individual no
303 longer holds a license.

304
305 No public comment.

306
307 **10. Department of Consumer Affairs – Director’s Update (DCA Staff) – May**
308 **Include Updates Pertaining to the Department’s Administrative Services,**
309 **Human Resources, Enforcement, Information Technology, Communications**
310 **and Outreach, as well as Legislative, Regulatory and Policy Matters**

311
312 Judie Bucciarelli, Staff Services Manager Specialist for Board and Bureau Relations
313 provided the Board with the following report:

314
315 Business, Consumer Services and Housing Agency (Agency) Secretary Lourdes
316 Castro Ramirez has been appointed as the Chief of Housing and Homelessness in
317 the Office of Los Angeles Mayor Karen Bass, effective November 2, 2023. Until a
318 new Secretary is appointed by Governor Newsom, Tad Egawa, General Counsel at
319 Agency, is serving as the Acting Secretary.

320
321 In October, 138 DCA leaders and 26 board members completed DEI Human-
322 Centered Approach training provided by University of Massachusetts (UMASS)
323 consultant Dr. Bernard Gibson. On November 7, 2023, UMASS consultant
324 Christopher Veal will provide a virtual training entitled – DEI Dialogue for Leaders –
325 to DCA managers, supervisors, and leadership.

326
327 DCA’s Deputy Director of Communications recently met with the Consulate of
328 Mexico in San Francisco, to share information and resources about DCA as well as
329 hear about areas of interest to the Consulate. As a result of the meeting, DCA
330 offered partnership for future in person and online events and to share available
331 consumer resources.

332
333 DCA’s Tribal Liaison and DCA’s DEI Steering Committee Chair, Yeaphana LaMarr,
334 recently introduced the Executive Officer of the Board for Vocational Nursing and

335 Psychiatric Technicians to Britta Guerrero, Executive Officer of the Sacramento
336 Native American Health Clinic. The meeting was to discuss the possibility of tribal
337 health clinics serving as locations for vocational nursing students needing to obtain
338 clinical hours required for licensure. Participants also discussed strategies to
339 encourage members of California's tribal communities to consider becoming a
340 healthcare provider.

341
342 DCA boards and bureaus may conduct entirely remote public meetings without
343 noticed locations accessible to the public through December 31, 2023, so long as
344 the public are able to participate in the meeting remotely. Commencing on January
345 1, 2024, four meeting options will be available pursuant to the Bagley-Keene Open
346 Meeting Act:

347
348 Option #1 - Traditional single-location option: This is a meeting where the majority of
349 members are gathered at one publicly noticed and accessible location; no members
350 are participating remotely; and there is no requirement to allow for remote public
351 participation.

352
353 Option #2 – Traditional teleconference option: board members are located at
354 different, publicly noticed, and accessible locations, and they are connected via
355 phone or WebEx. There is no requirement to allow for remote public participation.

356
357 Option #3 – New teleconference option: A majority of board members are gathered
358 at one publicly noticed and accessible location; the extra board members above a
359 majority can participate remotely from private, non-public sites; and the meeting
360 must allow for remote public participation.

361
362 Option #4 – The new advisory body teleconference option: All members of an
363 advisory body can participate remotely from private, non-public meeting sites. The
364 meeting must have at least one publicly noticed and accessible location where at
365 least one board/bureau staff member is present, and where the public can
366 participate in the meeting. Additionally, the meeting must allow for remote public
367 access.

368
369 There are two DCA mandatory trainings that must be completed before the end of
370 2023. All DCA employees and appointees, including board and advisory council
371 members, will need to complete the Sexual Harassment Prevention training by
372 December 31, 2023. Additionally, board members with an assigned DCA email
373 (@dca.ca.gov) are required to complete the Information Security Awareness
374 Fundamentals training. This training addresses DCA staff's role in protecting DCA
375 data and information. The training is online and required every year. Both the
376 trainings are available in the Department's Learning Management System (LMS).

377
378 With the recent signing of SB 447 by Governor Newsom, California's travel
379 restrictions to states that have adopted discriminatory anti-LGBTQ+ laws
380 immediately ended. California's restricted states travel list was eliminated and
381 replaced with a new public awareness project that will consult with community
382 leaders to promote California's values of acceptance and inclusion of the LGBTQ+
383 community across the country.

384
385 Over the past years, several out of state trips requested by boards were not
386 authorized because the travel was to a state on the restricted travel list. Now, out-of-

387 state travel to all states is permitted if the trip is critical to the functions and needs of
388 the board. Out-of-state travel requests must still follow the established process for
389 review and approval by DCA, Agency and the Governor's Office.

390
391 DCA's Promise Giving at Work will run from October 5 through December 31, 2023.
392 Leading the efforts this year are DCA's Co-Chairs — Monica Vargas, Deputy
393 Director of Communications, Yvonne Dorantes, Assistant Deputy Director of Board
394 and Bureau Relations. This annual campaign gives state employees, including board
395 members, an opportunity to support nonprofits through a one-time donation or
396 payroll deduction. These contributions make a positive impact by providing vital
397 resources to those experiencing poverty, homelessness, food insecurity, and offer
398 support to causes such as veterans, animals, the environment and more.

399
400 On November 14, 2023, DCA will host the second annual Turkey Drive with
401 donations benefiting Joey's Food Locker, a community food bank located in
402 Natomas, near DCA headquarters in Sacramento. Donations of frozen turkeys,
403 hams, and chickens, as well as non-perishable food items, will be accepted at three
404 DCA office locations in the Sacramento area on this day.

405
406 Board and Bureau Relations sent out its 2023 fall newsletter, which was distributed
407 to Board presidents and vice presidents as well as to all Executive Officers and
408 Bureau Chiefs. The fall newsletter is available online at the Board Member
409 Resources page on the DCA webpage.

410
411 No public comment.

412 **11. Budget Update**

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415 Ms. Balkis reported the Board's fiscal year (FY) 2023-24 Fiscal Month (FM) 3
416 projection memo, fund condition and expenditure.

417
418 Ms. Balkis reported in FY 2023-24 the Board has a budget of \$3,102,000. The Board
419 is projected to use 38.59% of its expenditure on Personal Services (PS) which
420 includes salaries and benefits; 24.53% for Operating Expenses & Equipment
421 (OE&E) which includes contracts, purchases, and travel; and 36.63% for
422 Enforcement which is for the Office of Administration Hearings (OAH) and Attorney
423 General (AG). The Board is estimated to have 0.25% in Reversion.

424 Fund Condition Report

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427 Ms. Balkis reported for FY 2021-22 actuals, the Board has a beginning balance of
428 \$4.5 million with prior year adjustment of \$51,000, giving the Board an adjusted
429 beginning balance of \$4.6 million. The Board has an overall revenue of \$2.8 million
430 and total expenditure of \$3.1 million, which gives a fund balance of 4.2 million (15.9
431 months in reserve). For current year 2023-24, the Board has a beginning balance of
432 \$4.2 million, estimated revenue of \$2.8 million, estimated total expenditure of \$3.2
433 million, giving a fund balance of \$3.8 million (14 months in reserve). There are no
434 immediate concerns for this fund.

435 Expenditure Projection Report

438 Ms. Balkis reported for the FM 3 FY 2023-24 projections, the Board has \$1.2 million
439 in PS, \$1.9 million in OE&E, for a total of \$3.1 million which create a saving of
440 \$8,000 or about 25%. There are no immediate concerns for this fund.

441
442 No public comment.

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444 **12. Report on Medical Board of California Activities**

445
446 Dr. Hawkins, Vice President of the MBC, reported that he was elected President of
447 MBC during the August Board meeting. MBC's next quarterly meeting will be on
448 November 30 and December 1, 2023, at DCA HQ1 Hearing Room. The agenda has
449 not been finalized but will be viewable at MBC's homepage at www.mbc.ca.gov.

450
451 SB 815 was signed by Governor Newsom last month; highlights of the bill include
452 the following: increased physician license fee, for both initial and renewal starting
453 January 2024; there are several processes that will improve the efficiency and
454 timeline of the investigation of complaints; extends the duration of post graduate
455 training license to 36 months from the date of issuance to improve licensee
456 efficiency of trainees; clarifies the creation of a complainant liaison unit, to interview
457 complainants and/or patient representatives prior to closing their quality-of-care
458 complaints; removes language related to changing the burden of proof and
459 therefore the current clear and convincing requirement will be unchanged; recasts
460 and clarifies the requirements to suspend and revoke a license following the
461 licensee's conviction of certain felonies; and repeals Assembly Bill (AB) 2098 which
462 relates to COVID-19 misinformation and disinformation.

463
464 SB 143 was previously approved by Governor Newsom and this bill includes the
465 expiration date of certain graduate training of licensees until March 2024. This bill
466 will help Postgraduate Training Licenses continue in their training programs and
467 complete their licenses.

468
469 MBC has updated guidelines for prescribing controlled substances for pain that are
470 available on the website. Dr. Hawkins encourages all PAs to review these guidelines
471 and where appropriate, incorporate these in their prescribing practice.

472
473 Mr. Armenta congratulated Dr. Hawkins on being elected as President for MBC.

474
475 No public comment.

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477 **13. Discussion and Possible Action on Proposed 2024 Board Meeting Dates**

478
479 Ms. Khan referred members to Agenda Item 13 for the proposed meeting dates. Ms.
480 Khan stated the meeting locations will be determined by the President later.

481
482 Dr. Earley stated she will be out of the country on May 6, 2024, and requested to
483 move that meeting to April 29, 2024.

484
485 Mr. Armenta confirmed the proposed meeting dates will be February 5, 2024, April
486 29, 2024, August 5, 2024, and November 8, 2024.

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M/ Juan Armenta S/ Sonya Earley to:

Motion to adopt the proposed meeting dates for 2024.

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant			X		
Diego Inzunza	X				
Vasco Deon Kidd	X				
Deborah Snow	X				

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No public comment.

14.A. Update, Discussion, and Possible Action to Consider Changes to Previously Proposed Text and Reauthorization of a Regular Rulemaking to Amend 16 CCR Sections 1399.514 and 1399.615 – License Renewal and Continuing Medical Education Required

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Ms. Dhillon stated the proposed text was last adopted at the May 28, 2020, Board meeting. Since then proposed changes to the language have been made to 16 CCR section 1399.514 to add language included in the renewal application that was inadvertently left out, clarify the meaning of “Category 1 CME” by referring to where it is defined in 16 CCR section 1399.616, and clarify the one-time controlled substance education course that must be taken by physician assistants who dispense controlled substances by pointing to the Board’s pre-approval of the courses in 16 CCR section 1399.610. Staff recommends the Board review and discuss the provided materials. The Board may determine whether or not to approve the revised regulatory language and initiate the rulemaking process using the revised regulatory language.

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M/ Juan Armenta S/ Jed Grant to:

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Approve the proposed regulatory text for 16 CCR sections 1399.514 and 1399.615, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at 16 CCR sections 1399.514 and 1399.615 as noticed.

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				

Jed Grant	X				
Diego Inzunza	X				
Vasco Deon Kidd	X				
Deborah Snow	X				

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No public comment.

14.B. Update, Discussion, and Possible Action on Proposal to Amend 16 CCR Sections 1399.502, 1399.540, 1399.541, and 1399.545 – SB 697 Implementation Proposed Modified Text and Consideration of Public Comments

Ms. Halbo stated comments were received from the California Society of Anesthesiologists (CSA), California Medical Association (CMA), and Greg Hadfield, PA-C. The CSA and CMA comments relate to 16 CCR section 1399.540(d) which covers a PA’s ability to make a referral when it is outside their level of competence. CSA and CMA ask the Board to restrict the PA’s ability to make a referral. The amendments add the option for a PA to consult with a supervising physician or surgeon or refer to a physician and surgeon or licensed healthcare provider, but it does not restrict the PAs ability to make referrals as that is determined in the practice agreement. The concerns raised related to 16 CCR section 1399.541(i)(1) and relate to supervision during surgeries and what type of surgeries are involved. “Procedural sedation” is not a clear term and in working through the comments it was agreed that removing “procedural sedation” and including it in under “sedation other than local anesthesia, including general anesthesia”, was appropriate.

Mr. Armenta stated it is important to know that input from all sources has been deeply considered, however our guiding principle is legislative intent. Mr. Armenta asked Ms. Halbo to point out the Business and Professions Code section that governs a PA’s ability to carry out procedures in the absence of a physician and surgeon. Ms. Halbo stated Business and Professions Code section 3501(f) defines the term “supervision” which shall not be construed to require the physical presence of the physician and surgeon. Mr. Armenta stated that is clear legislative intent, because “shall” is mandatory as opposed to “may”. Mr. Armenta stated the final language is proposed fits the statutory interpretation and it requires the immediate availability should something go wrong in a procedure.

M/ Jed Grant S/ Vasco Deon Kidd to:

Adopt the proposed responses to comments and the Modified Text and direct staff to send the Modified Text and an Availability of Documents Added to the Rulemaking File Notice out for a 15-day public comment period. If no public comments are received on the Modified Text, instruct the Executive Officer to take all steps necessary to complete the rulemaking process, authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package and adopt the amendments to 16 CCR sections 1399.502, 1399.540, 1399.541, and 1399.545, as noticed.

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				

Sonya Earley	X				
Jed Grant	X				
Diego Inzunza	X				
Vasco Deon Kidd	X				
Deborah Snow	X				

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Public comments:

Dr. Todd Primack, Legislative and Practice Affairs Division Chair from the California Society of Anesthesiologists (CSA) stated that CSA is concerned about patient safety as a risk with some of the proposed changes. General anesthesia allows surgeons to perform surgical procedures that could not be tolerated by conscious patients. It exposes patients to more serious harm as surgical procedures are more invasive. Deep sedation without an anesthesiologist or CRNA (certified registered nurse anesthetist) is riskier than general anesthesia if there is no one properly dedicated to maintaining the airway and monitoring the patient. Dr. Primack stated the proposed text does not address who would be doing the anesthetic administration and wonders whether anyone be required to focus on the patient during and after the anesthetic. Dr. Primack stated surgeons at ambulatory surgery centers are required to have hospital privileges in case of emergency, and asks whether physician assistants would have a similar requirement. Life threatening complications may occur as there is no safety net for office procedures. Dr. Primack states the previous regulations do more to protect the patient. Dr. Primack further asks for full disclosure to patients that the operating surgeon is not a physician.

Lucas Evensen, Associate Director of Strategic Engagement for the California Medical Association (CMA), stated they request the phrase “including general anesthesia” be removed in 16 CCR section 1399.541(i)(1) because it could inadvertently be interpreted as the Physician Assistant Board encouraging or recommending physician assistants perform surgery without the personal presence of the supervising physician on patients under general anesthesia rather than other forms of sedation. Mr. Evensen states the change would not modify what physician assistants are allowed to do, as this would be left up to the practice agreement, but would clarify that the subsection applies to other forms of sedation without calling out a specific type of sedation.

Mr. Armenta stated that Mr. Evensen wants to strike “including general anesthesia” to provide more clarity for the subsection. Mr. Evensen confirmed.

Dr. Grant stated that it is important for credentialing bodies and privileging bodies to include general anesthesia in the regulation. This is decided at the practice level and it is spelled out in the practice agreement, and is important that it is spelled out in the law.

Dr. Kidd stated he agrees with Dr. Grant that general anesthesia is included in the text because if it is not included, physician assistants would not be privileged to do it.

Mr. Armenta stated to clarify Dr. Grant and Dr. Kidd’s comments that this would provide greater clarity of where the lines of demarcation are of allowable conduct. Dr. Kidd stated it’s really important to include it in the text otherwise it is left up to the individual credentialing and privileging committees to figure it out.

14.C. Update, Discussion, and Possible Action to Consider Changes to Previously Proposed Text and Initiation of a Regular Rulemaking to Amend 16 CCR Sections 1399.506, 1399.507, 1399.511, and 1399.546 – Application, Exam Scores, Addresses & Recordkeeping

Ms. Dhillon stated at the November 8, 2021, meeting, the Board discussed and approved proposed amendments to the previously approved changes to CCR sections 1399.506, 1399.507, 1399.511, and 1399.546 to better implement the needed changes to these regulation sections required by the passage of SB 697. Notice of the proposed regulatory change was published on September 9, 2022, and the 45-day comment period closed on October 25, 2022. The Board voted at its November 7, 2022 meeting to amend the text of 16 CCR Section 1399.506 to include modified language incorporating the changes made to BPC section 115.5. Notice of the First Modified Text was published on November 9, 2022, and the 15-day comment period closed on November 28, 2022. Agency approved this package on December 12, 2022, and it was filed with the Office of Administrative Law (OAL) on December 20, 2022. Regulations Counsel and staff worked with OAL to amend the text for consistency and to place the information asked for in the initial license application into regulation. At the August 4, 2023, meeting, the Board voted adopt the proposed Second Modified Text for 16 CCR Sections 1399.506, 1399.507, and 1399.511. Notice of the Second Modified Text was published on July 21, 2023, and the 15-day comment period closed on August 7, 2023. These proposed regulatory changes were initially noticed on September 9, 2022, and the Business, Consumer Services, and Housing Agency had one year from that date to complete the rulemaking process and submit the completed rulemaking file to OAL. A new rulemaking is required because the revisions the OAL attorney requested to the Text rendered us unable to complete the rulemaking within the 1-year notice period. The changes were required to clarify the rulemaking and avoid disapproval of this rulemaking by the Office of Administrative Law. Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to approve the proposed regulatory language and initiate the rulemaking process using the proposed regulatory language.

M/ Juan Armenta S/ Sonya Earley to:

Approve the proposed regulatory text for 16 CCR Sections 1399.506, 1399.507, 1399.511, and 1399.546, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at 16 CCR Sections 1399.506, 1399.507, 1399.511, and 1399.546 as noticed.

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				

Jed Grant	X				
Diego Inzunza	X				
Vasco Deon Kidd	X				
Deborah Snow	X				

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No public comment.

15. Regulations – Update on Pending Regulatory Packages

Ms. Dhillon referred members to Agenda Item 15 for the detailed updates on the following packages.

1. 16 CCR 1399.514, 1399.615 – SB 697: License Renewal and Continuing Medical Education Required

The Board needs to adopt the revised proposed regulatory language so staff can submit this package for initial review.

2. 16 CCR 1399.502, 1399.540, 1399.541, 1399.545 – SB 697: Implementation

Agency approved this package on July 13, 2023, and the Notice was filed with the Office of Administrative Law (OAL) for publication on July 28, 2023, to initiate the 45-day public comment period, which ended on September 12, 2023.

3. 16 CCR 1399.506, 1399.507, 1399.511, 1399.546 – SB 697: Application, Exam Scores, Addresses, & Recordkeeping

The Board adopted revised proposed regulatory language, which was sent out for the 15-day public comment period which ran from July 21, 2023, to August 7, 2023, and no public comments were received.

4. 16 CCR 1399.515 – AB 2461: Retired Status to Include Fingerprint Requirement

This regulatory proposal is on hold for 2023 until the above packages are completed.

5. 16 CCR 1399.523 – SB 1441: Implement Uniform Standards Related to Substance Abusing Licensees and Update of Disciplinary Guidelines

This regulatory proposal is on hold for 2023 until the above packages are completed.

No public comment.

16. Education/Workforce Development Advisory Committee: Update on Physician Assistant Education Programs and Applicants in California

Dr. Alexander thanked Dr. Grant for all of his help on this report and previous reports, and all he has taught him throughout his time on the Board and welcomed Dr. Kidd to the committee.

Dr. Alexander referred members to Agenda Item 16 for the detailed Education and Workforce Sub-Committee Report.

708 Dr. Alexander stated that there are four PA programs on probation, which means
709 they are not meeting the accredited standards and this status can last up to two
710 years. Three of the four probation programs are listed as “probation F” and this
711 indicates a program may have a focus visit prior to its next ARC-PA review. This is
712 important because this impacts the capacity. The average number of students per
713 program is 49, and if the probation F programs are unable to admit incoming
714 classes, the cohorts are going to be impacted. This raises some concern of the
715 number of PAs that will be produced by the State.

716
717 Dr. Grant stated that there has been a lot of growth within the PA programs and the
718 primary limiting factor for growth is clinical rotation sites. The PA education is set up
719 on that medical model, where there is a 12 to 15 months of didactic component and
720 then 12 to 15 months of clinical rotations. These rotations are competitive in terms of
721 schools. Some schools may have contracts or rotation sites that they have
722 developed when a new program opens. They must have all those rotations well in
723 advance of ceding any students. This is an area where the growth of programs might
724 be limited in the state by obtaining those clinical rotations. Currently, programs are
725 having to pay clinical sites to take students and that cost is passed directly to the
726 student in most cases, which drives up the cost of education.

727
728 Dr. Kidd shared his concern that when these programs are on probation, other
729 existing programs would take their clinical sites and that’s a major challenge for
730 some of these programs that are not able to matriculate students because of the
731 probation status. And when the program comes off probation, would there be
732 enough clinical sites to support their incoming class.

733
734 No public comment.

735 **17. Report by the Legislative Committee; Legislative Update**

736
737 Ms. Dhillon referred members to Agenda Item 17 for the detailed report on the
738 following bills.

739 A. AB 883 (Mathis) Business licenses: United States Department of Defense 740 SkillBridge Program.

741
742 Staff does not anticipate any fiscal impact as this bill does not affect the Board.

743 744 B. AB 996 (Low) Department of Consumer Affairs: continuing education: conflict-of- 745 interest policy.

746
747 Staff may need to implement regulations in accordance with this bill. At its May 1,
748 2023, meeting, the Board took a watch position.

749 750 C. AB 1028 (McKinnor) Reporting of crimes: mandated reporters.

751
752 The Board would need to provide an update of mandated reporting information
753 included on the Board’s website for licensees. This is something that can be done by
754 staff and is supported by the Board’s current pro rata costs to DCA. At its May 1,
755 2023, meeting, the Board took an opposed position.

756 757 D. AB 1070 (Low) Physician assistants: physician supervision: exceptions.

760 Staff does not anticipate any fiscal impact.

761
762 E. AB 1707 (Pacheco) Health professionals and facilities: adverse actions based on
763 another state's law.

764
765 Staff does not anticipate any fiscal impact. At its May 1, 2023, meeting, the Board
766 took a support position.

767
768 F. SB 345 (Skinner) Health care services: legally protected health care activities.

769
770 Staff does not anticipate any fiscal impact. At its May 1, 2023, meeting, the Board
771 took a support position.

772
773 G. SB 372 (Menjivar) Department of Consumer Affairs: licensee and registrant
774 records: name and gender changes.

775
776 Staff does not expect a significant fiscal impact effectuated by this bill. At its May 1,
777 2023, meeting, the Board took an oppose position.

778
779 H. SB 385 (Atkins) Physician Assistant Practice Act: abortion by aspiration: training.

780
781 Staff does not anticipate any fiscal impact. At its August 4, 2023, meeting, the Board
782 took a support, if amended position.

783
784 I. SB 544 (Laird) Bagley-Keene Open Meeting Act: Teleconferencing.

785
786 Staff does not anticipate any fiscal impact. At its May 1, 2023, meeting, the Board
787 took a support position.

788
789 J. SB 802 (Roth) Licensing boards: disqualifications from licensure: criminal
790 conviction.

791
792 Staff does not anticipate any fiscal impact. At its May 1, 2023, meeting, the Board
793 took a support position.

794
795 No public comment.

796
797 **18. Agenda Items for Next Meeting**

798
799 No agenda items requested.

800
801 No public comment.

802
803 **19. CLOSED SESSION**

804
805 A. Pursuant to Section 11126(a)(1) of the Government Code, the Board will conduct
806 the annual evaluation of performance of the Executive Officer.

807
808 B. Pursuant to Section 11126(c)(3) of the Government Code, the Board will
809 deliberate and take action on disciplinary matters.

810

811 **20. Adjournment**
812
813 With no further business the meeting was adjourned at 11:48 a.m.
814
815 Minutes do not reflect the order in which agenda items were presented at the Board
816 meeting.

DRAFT