



MEMORANDUM

DATE	January 10, 2022
TO	Board Members
FROM	Mark Ito Executive Director
SUBJECT	Agenda Item 8 – Implementation Plans for 2021 Legislation

The following is the implementation plan for the Board's 2021 legislation:

Assembly Bill 356 (Chen) Fluoroscopy

Summary of Bill

- The bill authorizes the Department of Public Health to issue a physician and surgeon or a doctor of podiatric medicine a one-time, nonrenewable, temporary permit to operate, or supervise the operation of, fluoroscopic x-ray equipment if the physician and surgeon or the doctor of podiatric medicine meets specified criteria, including attesting under penalty of perjury of having at least 40 hours of experience using that equipment while not subject to the act.
- The bill requires the temporary permit to convey the same rights as a fluoroscopy permit for the period for which it is issued, in the classification for which the physician and surgeon or the doctor of podiatric medicine is eligible. The temporary permit would be valid for up to 12 months from the date of issue.

Impact to the Board

The Department of Public Health will be administering this program so the Board is not responsible for implementing this bill.

Implementation

The Board will be distributing outreach materials to its licensees during the month of January.

Assembly Bill 359 (Cooper) Physicians and surgeons: licensure: examination

Summary of Bill

- The bill would authorize a physician and surgeon to meet the CME standards through courses that satisfy specified criteria, including supporting educational methodology for physicians and surgeons teaching in a medical school, if these courses do not together comprise more than 30% of the total hours of continuing medical education completed by a licensee to satisfy the continuing medical education requirement established by the board.

Impact to the Board

AB 359 doesn't change the Board's business processes as licensees are currently able to use medical teaching towards the required continuing medical education requirement.

California Code of Regulations Section 1635 (e) states in pertinent part, "Category 1-A, or other CME is defined by the American Osteopathic Association (AOA), set forth in the American Osteopathic Association's "Continuing Medical Education Guide" and is hereby incorporated by reference..."

The AOA CME Guide states that medical teaching can be granted on an hour-for-hour basis and must be verified by the CME Department of the medical college, sponsoring hospital, or sponsor.

Implementation

The Board will be distributing outreach materials to its licensees during the month of January.

Senate Bill 806 (Roth) Healing Arts

Summary of Bill

- The bill requires a postgraduate licensee to have received 12 months of board-approved postgraduate training for graduates of medical schools before being issued a physician's and surgeon's license pursuant to the attestation of the program director, or other specified individual.
- For individuals issued a physician's and surgeon's license by the board on or after January 1, 2022, the bill requires, at the time of initial renewal, a physician and surgeon to show evidence satisfactory to the board that the applicant has received credit for at least 36 months of board-approved postgraduate training. The bill requires that the physician's and surgeon's certificate be automatically placed in delinquent status by the board if the holder does not show satisfactory evidence of credit. The bill authorizes the board to renew a physician's and surgeon's license if the applicant has demonstrated substantial compliance.
- The bill reduces the required CME from 100 hours of AOA continuing education every two years, of which 40 hours shall be AOA Category 1, to 50 hours of AOA continuing education, of which 20 hours shall be AOA Category 1.

Impact to the Board

The Board must make several significant changes to the licensure requirement to both license types: Osteopathic Physician and Surgeon and Postgraduate Training License.

SB 806 makes the following significant changes that will have a significant impact on the Board:

- Postgraduate training residents are eligible to apply for a full, unrestricted license after completing 12 months of postgraduate training. Those residents must obtain their full, unrestricted license within 15 months of obtaining their Postgraduate Training License.
- Physician and Surgeons initially licensed after January 1, 2022 must complete 36 months of postgraduate training, 24 months of which must be in the same program, as a condition of renewal and retention of their license.
- The required number of CME has changed from 100 hours to 50 hours per two-year cycle.
- For those licensed with a 9003 license after January 1, 2022, the expiration date shortens from 39 months to 15 months.

The consequences of failing to demonstrate completion of 36 months of postgraduate training will result in the licensee's status going into delinquent status until such time as they demonstrate compliance. The Board does not have staff to manually process the workload associated with implementing this new law, so the Board worked with DCA's OIS Team to design BreEZe to automate the business processes.

The Board is unable to absorb the additional workload associated with implementing the new requirements set forth in SB 806. The Board requested a 0.5 analyst position through the annual budget process to process this additional workload.

Implementation

The Board has tried to leverage as much Breeze functionality as possible to automate as much of these changes as feasible. The functionality and changes that the Board is working to implement include, but are not limited to, the following:

1. Create four transactional modifiers that identify the licensees that need to comply with SB 806.
2. Create a business rule in BreEZe that exempts the licensees who do not need to comply with SB 806.
3. Perform an outreach effort that includes sending courtesy emails notifying the Osteopathic Physicians and Surgeons and the Postgraduate Training Licensees of the new requirements set forth by SB 806.
4. Make changes to the paper renewal application to reflect the SB 806 changes.
5. Make changes to the Online renewal application to reflect SB 806 changes.
6. Disseminate correspondence to licensees who do not comply with the changes set forth in SB 806. The correspondence will direct noncompliant licensees that they need to cease practice.

7. Amend when the renewal application is opened from 60 days to 120 days from the expiration date. This change facilitates early notification of SB 806 changes giving licensees enough time to comply prior to expiration. The Board felt 60 days was insufficient time to notify licensees of SB 806 requirements.