

Written Statement Describing Changes Without Regulatory Effect
Board of Podiatric Medicine
Regulations: Continuing Competence

The Board of Podiatric Medicine (“BPM”) may add to, revise or delete text published in the California Code of Regulations without complying with the rulemaking procedure specified in Article 5 of the APA only if the change does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision. The changes proposed do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision as these proposed changes are merely revising structure, syntax, cross-reference, grammar, or punctuation. See Publication of “Changes Without Regulatory Effect.” CCR, Title 1, General Provisions, Division 1. Office of Administrative Law, Chap. 1, Review of Proposed Regulations, Art. 1, Sec. 100(c).

The Board of Podiatric Medicine regulations sections 1399.670, 1399.671, and 1399.676 address the approved categories of Continuing Medical Education (“CME”) and additional requirements for approval of CME by BPM, respectively. Together these regulations provide that program organizers offering educational courses or programs lacking previous CME credit approval from other recognized accrediting bodies may apply to BPM for CME course or program approval.

After staff review and analysis, it appears that certain citation errors resulted from a failure to correct certain section and subsection references during 1984 and 2003 amendments. As a result, stakeholders seeking approval of CME courses from BPM could become confused. To correct these errors, each of three sections concerning CME courses require minor and nonsubstantive revisions. Nonsubstantive is defined as changes that clarify without materially altering the requirements, rights, responsibilities, conditions or prescriptions contained in the original text. CCR, Title 1, General Provisions, Division 1. Office of Administrative Law, Chap. 1, Review of Proposed Regulations, Art. 1, Sec. 40.

The following Sections are affected:

- Section 1399.671. Criteria for Approval of Courses**
- Section 1399.673. Survey of Need and Self-Assessment Required**
- Section 1399.676. Audit and Sanctions for Noncompliance**

Section 1399.670 sets forth six categories of Continuing Medical Education (“CME”) providers. Subsections 1399.670 (a) through (e) list providers that do not require BPM approval. The sixth category described in Subsection 1399.670(f) requires providers to

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apply to the BPM for approval by following the requirements prescribed in Sec. 1399.671.

However, when referring to section 1399.671, proposed providers seeking approval under section 1399.670(f) find that section 1399.671 cites to a non-existent subsection within itself rather than referring to 1399.670(f) as was intended. Thus, several references to 1399.671(e) need to be amended to 1399.670(f) and several references to 1399.671 in section 1399.671 need to be changed to 1399.670. These proposed corrections will assist providers seeking approval from BPM.

Section 1399.673 ensures that providers understand the recommended obligation to survey educational needs and to self-evaluate to determine whether the objectives of the CME program have been met. These suggested actions are proposed for all approved CME providers except residency programs and clinical fellowships. However, section 1339.673 refers to providers listed in 1399.671 which only include those approved by the Board and not the complete list of approved providers contained in 1399.670. Thus, reference to section 1399.671 in section 1399.673 needs to be changed to 1399.670. These proposed changes will also assist all CME course providers.

Section 1399.676 ensures that any doctor of podiatric medicine understands the regulations relating to CME regarding auditing by the BPM and sanctions for noncompliance. These proposed changes will assist any doctor of podiatric medicine receiving credit for CME.

Specific Changes and Factual Basis/Rationale

§1399.670 sets forth the six categories of CME providers. Subsections 1399.670 (a) – (e) list providers that do not require Board of Podiatric Medicine approval. The sixth category described in subsection §1399.670(f), requires providers to apply to the Board of Podiatric Medicine for approval by following the requirements prescribed in §1399.671.

To ensure that the requirements are understood, several references to 1399.671(e) need to be changed to 1399.670(f), and several references to 1399.671 need to be changed to 1399.670 as follows:

1399.671. Criteria for Approval of Courses.

- (a) Only those individuals, organizations or institutions seeking approval by the board of continuing education courses or programs under Section 1399.6740, subs. (e)-(f) above, shall apply for such approval on a form provided by the board. Those individuals, organizations, and institutions approved under Sec. 1399.6740, subs. (a) through (d) (e) need not apply to the board for approval.
- (b) Those individuals, organizations and institutions applying for approval of course or program offerings by the board under §1399.6740, subs. (e)-(f), shall submit such documents and other evidence as may be needed by the board to determine compliance with the criteria set forth below, including but not limited to, catalogues, course descriptions, curricula plans and bulletins.
- (c) Those courses or program referred to in §1399.6740, subs. (e)-(f) shall meet the following criteria in order to be approved by the board on an hour-for-hour basis:
- (1) Faculty – The course or program organizer(s) shall have a faculty appointment in public university or state college or in a private postsecondary educational institution authorized or approved pursuant to Section 94310 of the Education Code. The appointment may be in disciplines other than medicine but directly related to the practice of podiatric medicine or medicine. The curriculum vitae of all faculty members and all other organizers shall be kept on file.
 - (2) Rationale – The need for the course and how the need was determined shall be clearly stated and maintained on file.
 - (3) Course Content – The content of the course and how the need was determined shall be clearly stated and maintained on file.
 - (4) Educational Objectives – Each course or program shall clearly state educational objectives that can be realistically accomplished within the framework of the course.
 - (5) Method of Instruction – Teaching methods for each course or program shall be described, e.g., lecture, seminar, audio-visual simulation, etc.
 - (6) Attendance – Course organizers shall maintain a record of attendance of each participant.

Note: Authority and reference cited: Section 2496, Business and Professions Code:

History

1. Amendment of subsection (a) filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).
2. Renumbering of former Section 1399.672 to Section 1399.671 and renumbering and amendment of former Section 1399.671 to Section 1399.670 filed 3-8-84; effective thirtieth day thereafter (Register 84, No 10).
3. Change without regulatory effect of subsections (a) – (c) (Register 87, No. 15).

§1399.673. Survey of Need and Self-Assessment Required.

In addition to any other requirements for approval, all approved individuals, organizations, institutions, and other continuing education providers listed in Section 1399.6710, with the exception of residency programs and clinical fellowships, may

- (a) Utilize a survey of the podiatric medical community in order to determine those areas of clinical practice in which there is the greatest need in terms of demonstrated and expressed needs for additional information and instruction directly relevant to quality patient care and developments in the practice of podiatric medicine; and
- (b) Provide a self-assessment evaluation in an objective format for each participant which pertains to the course content of the particular continuing education program. The evaluations shall be reviewed by the program providers to measure educational needs and to determine whether the objectives of the program have been met, and shall be made available to each participant for his or her review. Evaluations shall not be submitted to the board.

NOTE: Authority and reference cited: Section 2496, Business and Professions Code

HISTORY

1. Amendment filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).
2. Change without regulatory effect of subsection (b) (Register 87, No. 15)

§1399.676. Audit and Sanctions for Noncompliance.

- (a) Each doctor of podiatric medicine at the time of license renewal shall sign a statement under penalty of perjury that he or she has or has not complied with the requirements of this article.

- (b) The board may audit once each year a random sample of doctors of podiatric medicine who have reported compliance with the requirements. No doctor of podiatric medicine shall be subject to audit more than once every two (2) years. Those licensees selected for audit shall be required to document their compliance with the requirements of this article.
- (c) Any doctor of podiatric medicine who is found out of compliance shall be required to document compliance prior to the next biennial renewal. Such licensees shall document to the board of the completion of any deficient hours identified by audit. Any doctor of podiatric medicine who fails to make up the deficient hours, in addition to the hours required for the current renewal period, shall be ineligible for renewal of his or her license to practice podiatric medicine until such time as all the required hours of continuing education are completed and documented to the board in addition to the requirement of one of the continuing competence pathways.
- (d) It shall constitute unprofessional conduct for any doctor of podiatric medicine to misrepresent compliance with the provisions of this article.
- (e) Any doctor of podiatric medicine selected for audit who has been certified as complying with the continuing education requirements of this article by those organizations listed in Section 1399.6740, subsections (a), (b), (c), and (d) and (e) will not be required to submit documentation or records of continuing education coursework received, but the board may obtain such records directly from the certifying organizations or institutions.
- (f) The board requires that each doctor of podiatric medicine retain records for a minimum of four (4) years of all continuing education programs attended which indicate the title of the course or program, the sponsoring organization or individual and the accrediting organization, if any.

NOTE: Authority and reference cited: Section 2496, Business and Professions Code.

HISTORY

1. Amendment filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).
2. Change without regulatory effect (Register 87, No. 15).
3. Amendment of subsections (a)-(c) filed 7-24-2003; operative 8-23-2003 (Register 2003, No. 30)