

# OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA

## PROPOSED REGULATORY LANGUAGE

The amendment format is as follows: Existing language remains unchanged; new wording is underlined; wording proposed for deletion is identified with strikeout lines.

The Osteopathic Medical Board of California hereby amends its regulations in Division 16 of Title 16 of the California Code of Regulations to read as follows:

1) Amend CCR Section 1635 of Division 16 of Title 16 of the California Code of Regulations to read as follows:

### **§1635. Required Continuing Medical Education (CME).**

(a) Each physician and surgeon submitting the tax and registration fee shall submit satisfactory proof to the Board of ongoing compliance with the provisions of this article at the times specified herein.

(b) ~~Commencing January 1, 1989,~~ a Each physician and surgeon shall complete 150 100 hours within a three-year period during each two-year period immediately preceding the expiration date of his or her license in order to satisfy the CME requirement; this ~~three~~ two-year period is defined as the "CME requirement period."

(c) The requirement of ~~150~~ 100 hours during the ~~three~~ two-year CME requirement period shall include a minimum of ~~60~~ 40 hours of CME in Category 1-A or 1-B defined by the American Osteopathic Association (AOA). The balance of the CME requirement of ~~90~~ 60 hours may consist of CME as defined by either the American Osteopathic Association (AOA) or the American Medical Association (AMA) and ~~may~~ shall be completed within the entire ~~three~~ two-year CME requirement period.

(d) ~~Effective January 1, 1989, the three-year CME period shall commence for those licensed on or before January 1, 1989.~~ Those licensed subsequent to January 1, ~~1989~~ 2018 shall commence their ~~three~~ two-year CME requirement period on a ~~prorata basis commencing~~ the first full calendar year subsequent to initial licensure. Subsequent ~~three~~ two-year periods shall not include CME earned during a preceding ~~three~~ two-year requirement period.

(e) 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 2016-2018, Guide for Osteopathic Physicians, February 2016," and is hereby incorporated by reference, and can be obtained from the AOA at 142 E. Ontario Street, Chicago, IL 60611; it is published once every three years by the AOA most recently in February 2016~~1992~~. CME Category 1 defined by

the American Medical Association is set forth in "The AMA Physician's Recognition Award Information Booklet and credit system," and is hereby incorporated by reference, and can be obtained from the American Medical Association, 515 North State Street, Chicago, IL 60610 AMA Plaza, 330 N. Wabash Ave., Suite 39300, Chicago, IL 60611-5885; it is published on an occasional basis by the AMA, most recently in January, 19862017.

~~NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2454.5 and 3600-1, Business and Professions Code. Reference: Section 2454.5, Business and Professions Code.~~

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Sections 1; 3600-1, 2454.5, and 2018, Business and Professions Code. Reference: Section 2454.5 of Business and Professions Code.

2) Amend CCR Section 1636 of Division 16 of Title 16 of the California Code of Regulations to read as follows:

**§1636. Continuing Medical Education Progress Report Documentation.**

~~Physicians shall report the total number of continuing medical education (CME) hours to the Board with the renewal application. This may be accomplished by:~~

~~(a) The physician sending the Board a copy of their computer printout of CME activity as compiled from documents submitted to the AOA Division of Continuing Medical Education by both sponsors and the physician (Individual Activity Report) which will list the amount of CME credit hours, or~~

~~(b) Sending the Board copies of any certificates given for the CME credit hours of attendance at any program approved by the Board, or~~

~~(c) Reports from any program approved by the Board, to be furnished by the physician, showing his CME credit hours of attendance hours as verified by the program organizer.~~

~~(d) CME categories are defined by Section 1635(e).~~

(a) Effective January 1, 2019, each physician and surgeon shall self-certify completion of the required CME hours by submitting to the Board a completed *Osteopathic Medical Board of California Continuing Medical Education (CME) Self-Certification Form for Renewal (OMB-21, Rev. 1/2019)*, which is hereby incorporated by reference. Physicians and surgeons submitting incomplete forms shall be deemed ineligible for renewal.

(b) Effective January 1, 2019, physicians and surgeons shall be subject to audit of their CME hours. Each physician and surgeon shall retain for six years all documents that demonstrate compliance with CME requirements. Those physicians and surgeons selected for audit shall be required to submit documentation of their compliance with the CME requirements as specified by this article. Documents demonstrating compliance include:

(1) A copy of their computer printout of CME activity as compiled from documents submitted to the AOA Division of Continuing Medical Education by both sponsors and the physician and surgeon (Individual Activity Report) which will list the amount of CME credit hours, or

(2) Copies of any certificates indicating the title of the course/program attended and CME credit hours and dates of attendance at any program approved by the Board, or

(3) Reports from any program approved by the Board, to be furnished by the physician and surgeon, showing his or her CME credit hours and dates of attendance as verified by the program organizer or sponsoring organization.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2190 and 2452, Business and Professions Code.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Sections 1, 3600-1 and 2018, Business and Professions Code. Reference: Sections 2452 and 2454.5 of Business and Professions Code.

3) Amend CCR Section 1641 of Division 16 of Title 16 of the California Code of Regulations to read as follows:

**§1641. Sanctions for Noncompliance.**

(a) Any physician and surgeon who has not completed ~~150~~ 100 hours of approved CME ~~or the prorated share pursuant to Section 1635(d)~~ during the ~~three~~ two-year CME requirement period will be required to make up any deficiency unless a waiver is obtained pursuant to Section 1637. Any physician and surgeon who fails to complete the deficient hours shall be ineligible for renewal of his or her license to practice medicine until such time as the deficient hours of CME are documented to the Board.

(b) It shall constitute unprofessional conduct and grounds for a citation and fine or disciplinary action including the filing of an accusation, for any physician and surgeon to misrepresent his or

her compliance with the provisions of this article or who fails to comply with the provisions of this article.

~~(c) Each physician shall retain records for a minimum of four years of all CME programs attended which indicate the title of the course or program attended, dates of attendance, the length of the course or program, the sponsoring organization and the accrediting organization, if any.~~

~~NOTE: Authority cited: Osteopathic Medical Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2454.5 and 3600-1, Business and Professions Code. Reference: Section 2454.5, Business and Professions Code.~~

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Sections 1; Section 3600-1, 2454.5, and 2018, Business and Professions Code. Reference: Section 2454.5 of Business and Professions Code.