

# OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA

## FINAL STATEMENT OF REASONS

**Subject Matter of Proposed Regulations:** Notice to Consumers

**Sections Affected:** Section 1606 of Title 16 of the California Code of Regulations (CCR)

### **Updated Information**

The Initial Statement of Reasons is included in this rulemaking file. The information contained accurately reflects the position of the Board regarding the adoption of the above section. The Initial Statement of Reasons is updated as follows:

The 45-day comment period began on October 18, 2019 and ended on December 2, 2019. The Board held a hearing on December 4, 2019, but no members of the public attended the hearing. During the 45-day comment period, no public comments were received.

### **Local Mandate**

A mandate is not imposed on local agencies or school districts.

### **Economic Impact**

The Board does not anticipate this rulemaking that provides information to patients treated by osteopathic physicians and surgeons will result in an economic impact to the state.

### **Small Business Impact**

The Board does not have nor does it maintain data to define if any of its licensees are “small businesses” as defined in Government Code section 11342.60. The Board has determined that the proposed regulations would affect some small businesses, as some osteopathic physicians and surgeons may work in small business practice settings.

The proposed regulation requires osteopathic physicians and surgeons to determine which of the three notification methods specified in the rulemaking they will employ, The Board anticipates most osteopathic physicians and surgeons will post a sign with the required information in 48 point type in Ariel font in an area where their patients will see it, an option with extremely minimal cost.

### **Fiscal Impact**

The Board does not anticipate any increase in workload or costs to the state as a result of adopting 16 CCR section 1606. As a result of providing consumer notice, the Board may provide notice to osteopathic physicians and surgeons through the mail, although this may be done in conjunction with other materials being mailed to osteopathic physicians and surgeons.

## **Anticipated Benefits of this Proposal**

This regulation will benefit patients of osteopathic physicians and surgeons by providing them with a way to check whether the physician and surgeon is licensed, check the status of that license, and make the patient aware they can file a complaint with the board. Improved consumer awareness will empower and protect consumers and may result in identifying osteopathic physicians and surgeons who are violating the Medical Practice Act or the Osteopathic Act.

## **Consideration of Alternatives**

No reasonable alternative to the regulatory proposal considered by the Board would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

The Board contemplated not adopting this regulation, but the passage of SB 798 mandated the Board to initiate the process of adopting regulations concerning notice to consumers or before January 1, 2019.

## **No Reports Required**

There are no reports required by this regulatory proposal.

## **Incorporation by Reference**

There are no documents incorporated by reference.

## **Nonduplication Statement - 1 CCR § 12**

As stated throughout the Initial and Final Statements of Reasons, the proposed regulations partially duplicate or overlap BPC section 2026, a state statute affected by the passage of SB 798. By repeating key language from BPC section 2026 within these regulations, the steps an osteopathic physician and surgeon must take to be in compliance is clearer. As this regulation implements, interprets, and make specifics how the law amended by SB 798 will be enforced by the Board, some duplication or overlap is necessary to ensure that the steps an osteopathic physician and surgeon must follow. The partial duplication or overlap with the statute amended by SB 798 is thus necessary to effectively implement the new standards in a way that satisfies the “clarity” standard of Government Code section 11349.1, subdivision (a)(3).