

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:

40905

Date filed:

10-24-2016

State Admin Rule Filing Id:

Time filed:

	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 70a	- 304
Changed to Admin. Code Ref. (R no.):	R	-	-

- Agency:** Commerce/Division of Occupational and Professional Licensing
Room no.:
Building: Heber M. Wells Building
Street address 1: 160 East 300 South
Street address 2:
City, state, zip: Salt Lake City UT 84111-2316
Mailing address 1: PO Box 146741
Mailing address 2:
City, state, zip: Salt Lake City UT 84114-6741
Contact person(s):

Name:	Phone:	Fax:	E-mail:
Larry Marx	801-530-6254	801-530-6511	lmarx@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

- Title of rule or section (catchline):**

Continuing Education

- Type of notice:**

New ___; Amendment XXX; Repeal ___; Repeal and Reenact ___

- Purpose of the rule or reason for the change:**

The Division and Physician Assistant Licensing Board reviewed the rule and are proposing amendments to this rule to implement H.B. 186, which was passed during the 2016 Legislative General Session, with respect to continuing education.

- This change is a response to comments from the Administrative Rules Review Committee.**

No XX; Yes ___

- Summary of the rule or change:**

In accordance with H.B. 186, the Volunteer Health Care Continuing Education Credit, a physician assistant may fulfill a portion of their continuing education requirement by providing volunteer health care services in a qualified health care facility. For every four hours of volunteer health care services, the licensee may receive one hour of continuing education credit, up to 15% of the required continuing education hours.

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No ; Yes

(The Division will incur minimal costs of approximately \$75.00 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

B) Local government:

Affected: No ; Yes

The proposed amendments apply only to those persons who are required to be licensed as a physician assistant and choose to obtain continuing education by providing volunteer services. The volunteer services provided would benefit the local population that lacks health care insurance or financial means to pay for health care services. As a result, the proposed amendments do not apply to local governments.

C) Small businesses ("small business" means a business employing fewer than 50 persons):

Affected: No ; Yes

Health care professionals who operate small businesses and provide volunteer services may be impacted by the cost of record keeping and lost revenue if they substitute time they could be billing for professional services to provide volunteer health care services in lieu of obtaining continuing education. However, these health care professionals will save on the cost of attendance at a continuing education course, and they may receive "goodwill" benefits in their community from their volunteer services. The amount of the cost or savings cannot be estimated as it will vary from business to business depending on the amount of volunteer service provided.

D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

Affected: No ; Yes

A licensed physician assistant will bear the cost of the services provided relative to their time spent providing the service. The uninsured, underserved and indigent population will benefit from increased availability of health care services and improved opportunity for these services. The amount of the cost cannot be estimated by the Division as it will vary from licensee to licensee depending on the amount of volunteer service provided.

8. Compliance costs for affected persons:

Licensed physician assistants will need to document volunteer services provided for audit by the Division to ensure compliance. The amount of any costs cannot be estimated by the Division as it will vary from licensee to licensee depending on the amount of volunteer service provided.

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

These rule changes permit a physician assistant to satisfy a limited number of continuing education requirement credits by providing volunteer service in a qualified health care facility. No fiscal impact to businesses is anticipated.

B) Name and title of department head commenting on the fiscal impacts:

Francine A. Giani, Executive Director

10 This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV):

Section 58-70a-101

Subsection 58-1-106(1)(a)

Subsection 58-1-202(1)(a)

R156. Commerce, Occupational and Professional Licensing.

R156-70a. Physician Assistant Practice Act Rule.

R156-70a-304. Continuing Education.

In accordance with Subsection 58-70a-304(1)(a), the requirements for qualified continuing professional education (CPE) are as follows:

(1) CPE shall consist of 40 hours during~~[in]~~ each ~~[preceding]~~ two-year licensure cycle. A licensee's ~~[may submit]~~ documentation to the Division of current national certification by NCCPA ~~[, such certification]~~ shall be deemed to meet the requirements in this section.

(2) Licensees may fulfill up to 15% of their CPE requirement by providing volunteer services within the scope of their license at a qualified location, in accordance with Section 58-13-3. For every four documented hours of volunteer services, the licensee may earn one hour of CPE credit.

~~[(2)3]~~ A minimum of 34 hours shall be in category 1 offerings as established by the Accreditation Council for Continuing Medical Education (ACCME).

~~[(3)4]~~ Approved providers for ACCME offerings include the following:

(a) approved programs sponsored by the American Academy of Physician Assistants (AAPA); or

(b) programs approved by other health-related continuing education approval organizations, provided the continuing education is nationally recognized by a healthcare accredited agency and the education is related to the practice as a physician assistant.

~~[(4)5]~~ A maximum of six CPE hours may be recognized for non-ACCME offerings of continuing education provided by the Division of Occupational and Professional Licensing.

~~[(5)6]~~ ~~[Continuing education]~~ CPE under this section shall:

(a) be relevant to the licensee's professional practice;

(b) be prepared and presented by individuals who are qualified by education, training and experience to provide medical continuing education; and

(c) have a method of verification of attendance and completion.

~~[(6)7]~~ CPE credit ~~[Credit for continuing education]~~ shall be recognized in 50 minute hour blocks of time for education completed in formally established classroom courses, seminars, lectures, conferences or training sessions which meet the criteria listed in Subsection ~~[(5)6]~~ above).

~~[(7)8]~~ A licensee shall ~~[be responsible for maintaining]~~ maintain competent records of completed continuing professional education for a period of four years after close of the two-year licensure period ~~[to which the records pertain]~~. It is the responsibility of the licensee to demonstrate that their continuing education meets the requirements of this section ~~[maintain such information with respect to continuing~~

~~professional education and to demonstrate it meets the requirements under this section. If requested, the licensee shall provide documentation of completed continuing education].~~

(~~8~~)9) Continuing professional education for licensees who have not been licensed for the entire two-year period [~~will~~]shall be prorated from the date of licensure.

KEY: licensing, physician assistants

Date of Enactment or Last Substantive Amendment: [~~May 27,~~
~~2015~~]2016

Notice of Continuation: December 19, 2011

Authorizing, and Implemented or Interpreted Law: 58-70a-101; 58-1-106(1) (a); 58-1-202(1) (a)