

Senate Bill No. 385

CHAPTER 178

An act to amend Section 3502.4 of, and to add Section 3527.5 to, the Business and Professions Code, relating to healing arts.

[Approved by Governor September 8, 2023. Filed with Secretary of State September 8, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 385, Atkins. Physician Assistant Practice Act: abortion by aspiration: training.

The Physician Assistant Practice Act establishes the Physician Assistant Board to license and regulate physician assistants. Existing law makes it a crime to perform an abortion without holding a license to practice as a physician and surgeon or without holding a specified license or certificate under the Physician Assistant Practice Act that authorizes the holder to perform specified functions necessary for an abortion in the first trimester of pregnancy. The act requires a physician assistant to complete training and comply with certain protocols, as specified, to receive authority from the physician assistant's supervising physician and surgeon to perform an abortion by aspiration techniques.

This bill would revise the training requirements to instead require a physician assistant to achieve clinical competency by successfully completing requisite training, as described, in performing an abortion by aspiration techniques. The bill would set forth what types of training qualify. The bill would remove the requirement that a physician assistant follow certain protocols to receive authority from the physician assistant's supervising physician and surgeon to perform an abortion by aspiration techniques.

This bill would authorize a physician assistant who has completed the training and achieved clinical competency, as described, to perform abortions by aspirations techniques without the personal presence of a supervising physician and surgeon, except as provided. The bill would require a physician assistant to practice abortion by aspiration techniques consistent with applicable standards of care, within the scope of their clinical and professional education and training, and pursuant to their practice agreement. The bill would provide that specified persons authorized to perform abortion by aspiration techniques shall not be punished, held liable for damages in a civil action, or denied any right or privilege for any action relating to the evaluation of clinical competency of a physician assistant, as described. The bill would make other technical changes.

The people of the State of California do enact as follows:

SECTION 1. Section 3502.4 of the Business and Professions Code is amended to read:

3502.4. (a) In order to receive authority from the physician assistant's supervising physician and surgeon to perform an abortion by aspiration techniques pursuant to Section 2253, a physician assistant shall achieve clinical competency by successfully completing requisite training in performing these procedures. The requisite training shall include a clinical and didactic component and be provided by any of the following:

(1) Training programs approved by the board pursuant to Section 3513.

(2) Training to perform medical services that augment the physician assistant's current areas of competency pursuant to Section 1399.543 of Title 16 of the California Code of Regulations.

(3) A course offered by a state or national health care professional or accreditation organization.

(4) Training based on the competency-based training protocols established by the Health Workforce Pilot Project (HWPP) No. 171 through the Office of Statewide Health Planning and Development, now known as the Department of Health Care Access and Information.

(5) Training and evaluation of clinical competency, performed at a clinic or hospital, on performing abortion by aspiration techniques that is provided by any of the following who have performed the procedure themselves:

(A) A physician and surgeon.

(B) A nurse practitioner or certified nurse midwife authorized to perform abortion by aspiration techniques pursuant to Section 2725.4.

(C) A physician assistant authorized to perform abortion by aspiration techniques pursuant to this section.

(b) A physician assistant who has completed training and achieved clinical competency, as required by this section, and is functioning pursuant to Section 3502 shall be authorized to perform abortions by aspiration techniques pursuant to Section 2253 without the personal presence of a supervising physician and surgeon unless specified by their practice agreement.

(c) A physician assistant shall practice abortion by aspiration techniques pursuant to Section 2253 consistent with applicable standards of care, within the scope of their clinical and professional education and training, and pursuant to their practice agreement.

(d) It is unprofessional conduct for any physician assistant to perform an abortion by aspiration techniques pursuant to Section 2253 without prior completion of training and validation of clinical competency.

(e) A person authorized to perform abortion by aspiration techniques described in paragraph (5) of subdivision (a) shall not be punished, held liable for damages in a civil action, or denied any right or privilege for any action relating to the evaluation of clinical competency of a physician assistant pursuant to paragraph (5) of subdivision (a).

(f) This section shall not be interpreted to authorize a person with a license or certificate to practice as a physician assistant to perform abortion by aspiration techniques after the first trimester of pregnancy.

(g) For purposes of this section, exclusively online or simulation-based training programs that do not include mandatory clinical hours involving direct patient care shall not meet the clinical training requirements in subdivision (a).

SEC. 2. Section 3527.5 is added to the Business and Professions Code, to read:

3527.5. (a) The board shall not suspend or revoke the license of a physician assistant solely for performing an abortion if the licensee performed the abortion in accordance with the provisions of this chapter and the Reproductive Privacy Act (Article 2.5 (commencing with Section 123460) of Chapter 2 of Part 2 of Division 106 of the Health and Safety Code).

(b) Notwithstanding any other law, including, but not limited to, Sections 141, 480, 490, and 3527, the board shall not deny an application for licensure as a physician assistant, or suspend, revoke, or otherwise impose discipline upon a person licensed in this state as a physician assistant under either of the following circumstances:

(1) The person is licensed or certified to practice as a physician assistant in another state and was disciplined in that state solely for performing an abortion in that state.

(2) The person is licensed or certified to practice as a physician assistant in another state and was convicted in that state for an offense related solely to the performance of an abortion in that state.