

## **TITLE 16. BOARD OF PODIATRIC MEDICINE**

NOTICE IS HEREBY GIVEN that the Board of Podiatric Medicine (hereinafter referred to as the "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Ayres Hotel, 14400 Hindry Ave, Hawthorne, California, at 9:00 a.m. on February 18, 2010. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on February 16, 2010 or must be received at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2470 of the Business and Professions Code, and to implement, interpret or make specific Sections 138 and 160 of said Code, the Board is considering changes to Division 13.9 of Title 16 of the California Code of Regulations as follows:

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Adopt Article 13, Section 1399.730.

Existing law, Business and Professions Code section 138, requires every board in the Department of Consumer Affairs to adopt regulations to require its licentiates to provide notice to their customers that the practitioner is licensed by the state.

This proposal implements section 138 by mandating notification to consumers by doctors of podiatric medicine of the fact that they are licensed by the Medical Board of California, with the Board's toll-free number and the Board of Podiatric Medicine's web site provided.

### **FISCAL IMPACT ESTIMATES**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: minor

Nondiscretionary Costs/Savings to Local Agencies: none.

Local Mandate: none

Cost to Any Local Agency or School District for Which Government Code Sections 17500 – 17630 Require Reimbursement: none

#### Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None

#### Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

#### Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would affect small businesses, since some licensees work in a small-business practice setting.

This proposed regulation would require doctors of podiatric medicine to determine which of the three notification options provided would be most appropriate for their practices, and then post a sign where their patients may see it; or put the required language on a piece of paper to be signed by each patient and retained in his/her file; or include the language in another document just above the patient's signature.

However, impact would be minimal, since it is anticipated that most podiatrists' offices will simply post one sign in the reception area or waiting room.

#### CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

## INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based. Copies of the initial statement of reasons and all of the information upon which the proposal is based may be obtained from the person designated in the Notice under Contact Person or by accessing the Board's website: [http://www.bpm.ca.gov/lawsregs/prop\\_regs.shtml](http://www.bpm.ca.gov/lawsregs/prop_regs.shtml).

## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person or by accessing the Board's website: [http://www.bpm.ca.gov/lawsregs/prop\\_regs.shtml](http://www.bpm.ca.gov/lawsregs/prop_regs.shtml).

## AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below, or by accessing the Board's website: [http://www.bpm.ca.gov/lawsregs/prop\\_regs.shtml](http://www.bpm.ca.gov/lawsregs/prop_regs.shtml).

## CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Mischa Matsunami  
Address: Board of Podiatric Medicine  
2005 Evergreen St., Ste. 1300  
Sacramento, CA 95815  
Telephone: (916) 263-0315  
Fax: (916) 263-2651  
E-Mail Address: [Mischa\\_Matsunami@dca.ca.gov](mailto:Mischa_Matsunami@dca.ca.gov)

The backup contact person is:

Name: Jim Rathlesberger  
Address: 2005 Evergreen Street, Suite 1300  
Sacramento, California 95815  
Telephone No.: (916) 263-2647  
Fax No.: (916) 263-2651  
E-Mail Address: [Jim\\_Rathlesberger@dca.ca.gov](mailto:Jim_Rathlesberger@dca.ca.gov)

Website Access: Materials regarding this proposal can be found at [http://www.bpm.ca.gov/lawsregs/prop\\_regs.shtml](http://www.bpm.ca.gov/lawsregs/prop_regs.shtml).