

ASSEMBLY BILL

No. 289

Introduced by Assembly Member Oropeza

February 16, 2001

An act to amend Section 2401 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 289, as introduced, Oropeza. Healing arts.

Existing law requires the State Department of Alcohol and Drug Programs to license and regulate narcotic treatment programs. The Medical Practice Act restricts the employment of licensed physicians and surgeons and podiatrists by a corporation or other artificial legal entity, subject to specified exemptions.

This bill would exempt a narcotic treatment clinic regulated by the department from these restrictions on the employment of licensed physicians and surgeons and podiatrists, provided that the clinic does not interfere with, control, or otherwise direct a physician and surgeons's professional judgment.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

- 1 SECTION 1. Section 2401 of the Business and Professions
- 2 Code is amended to read:
- 3 2401. (a) Notwithstanding Section 2400, a clinic operated
- 4 primarily for the purpose of medical education by a public or
- 5 private nonprofit university medical school, which is approved by

1 the Division of Licensing or the Osteopathic Medical Board of
2 California, may charge for professional services rendered to
3 teaching patients by licensees who hold academic appointments on
4 the faculty of the university, if the charges are approved by the
5 physician and surgeon in whose name the charges are made.

6 (b) Notwithstanding Section 2400, a clinic operated under
7 subdivision (p) of Section 1206 of the Health and Safety Code may
8 employ licensees and charge for professional services rendered by
9 those licensees. However, the clinic shall not interfere with,
10 control, or otherwise direct a physician and surgeon's professional
11 judgment in a manner prohibited by Section 2400 or any other
12 provision of law.

13 (c) *Notwithstanding Section 2400, a clinic operated under*
14 *Section 11876 of the Health and Safety Code and regulated by the*
15 *State Department of Alcohol and Drug Programs, may employ*
16 *licensees and charge for professional services rendered by those*
17 *licensees. However, the clinic shall not interfere with, control, or*
18 *otherwise direct a physician or surgeon's professional judgment in*
19 *a manner prohibited by Section 2400 or any other provision of law.*

