

AMENDED IN ASSEMBLY MAY 17, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1616

Introduced by Assembly Member Wright

February 23, 2001

An act to amend Section ~~2230.5~~ *Sections 2230.5, 2960.05, 3750.51, and 4992.31* of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1616, as amended, Wright. Healing arts: disciplinary actions.

Existing law, ~~the Medical Practice Act~~, provides for disciplinary action to be taken against licensed health professionals ~~for unprofessional conduct, including incompetence, gross negligence, and repeated negligent acts~~, *psychologists, respiratory care practitioners, and clinical social workers, including revocation, suspension, limitation, or conditioning of a license, for certain conduct*. A hearing to determine whether a license shall be revoked, suspended, limited, or conditioned is initiated by the filing of an accusation in an administrative adjudication action. The accusation is required to be filed within a certain time period, with specified exceptions.

This bill would ~~except from the~~ *establish a different time limit for an accusation alleging sexual misconduct by the licensee. The bill would also toll the limitations period where the alleged act or omission involves a minor, until the minor reaches the age of majority, in the case of an accusation against a licensed health professional.*

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

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

1 SECTION 1. Section 2230.5 of the Business and Professions
2 Code is amended to read:

3 2230.5. (a) Except as provided in subdivisions (b) , (c), and
4 ~~(d)~~ (e), any accusation filed against a licensee pursuant to Section
5 11503 of the Government Code shall be filed within three years
6 after the board, or a division thereof, discovers the act or omission
7 alleged as the ground for disciplinary action, or within seven years
8 after the act or omission alleged as the ground for disciplinary
9 action occurs, whichever occurs first.

10 (b) An accusation filed against a licensee pursuant to Section
11 11503 of the Government Code alleging the procurement of a
12 license by fraud or misrepresentation is not subject to the
13 limitation provided for by subdivision (a).

14 (c) An accusation filed against a licensee pursuant to Section
15 11503 of the Government Code alleging unprofessional conduct
16 based on incompetence, gross negligence, or repeated negligent
17 acts of the licensee is not subject to the limitation provided for by
18 subdivision (a) upon proof that the licensee intentionally
19 concealed from discovery his or her incompetence, gross
20 negligence, or repeated negligent acts.

21 (d) *If an alleged act or omission involves a minor, the*
22 *seven-year limitations period provided for by subdivision (a) shall*
23 *be tolled until the minor reaches the age of majority.*

24 (e) An accusation filed against a licensee pursuant to Section
25 11503 of the Government Code alleging sexual misconduct ~~is not~~
26 ~~subject to the limitation provided for by subdivision (a).~~ *shall be*
27 *filed within three years after the board, or a division thereof,*
28 *discovers the act or omission alleged as the ground for disciplinary*
29 *action, or within 10 years after the act or omission alleged as the*
30 *ground for disciplinary action occurs, whichever occurs first.*

31 SEC. 2. Section 2960.05 of the Business and Professions Code
32 is amended to read:

33 2960.05. (a) Except as provided in subdivisions (b) ~~and~~, (c),
34 *and* (e), any accusation filed against a licensee pursuant to Section
35 11503 of the Government Code shall be filed within three years
36 from the date the board discovers the alleged act or omission that
37 is the basis for disciplinary action, or within seven years from the



1 date the alleged act or omission that is the basis for disciplinary
2 action occurred, whichever occurs first.

3 (b) An accusation filed against a licensee pursuant to Section
4 11503 of the Government Code alleging the procurement of a
5 license by fraud or misrepresentation is not subject to the
6 limitations set forth in subdivision (a).

7 (c) The limitation provided for by subdivision (a) shall be
8 tolled for the length of time required to obtain compliance when
9 a report required to be filed by the licensee or registrant with the
10 board pursuant to Article 11 (commencing with Section 800) of
11 Chapter 1 is not filed in a timely fashion.

12 (d) If an alleged act or omission involves a minor, the
13 seven-year limitations period provided for by subdivision (a) shall
14 be tolled until the minor reaches the age of majority.

15 (e) *An accusation filed against a licensee pursuant to Section*
16 *11503 of the Government Code alleging sexual misconduct shall*
17 *be filed within three years after the board discovers the act or*
18 *omission alleged as the ground for disciplinary action, or within*
19 *10 years after the act or omission alleged as the ground for*
20 *disciplinary action occurs, whichever occurs first.*

21 *SEC. 3. Section 3750.51 of the Business and Professions Code*
22 *is amended to read:*

23 3750.51. (a) Except as provided in subdivisions (b)~~and~~, (c),
24 *and (e)*, any accusation filed against a licensee pursuant to Section
25 11503 of the Government Code shall be filed within three years
26 from the date the board discovers the alleged act or omission that
27 is the basis for disciplinary action, or within seven years from the
28 date the alleged act or omission that is the basis for disciplinary
29 action occurred, whichever occurs first.

30 (b) An accusation filed against a licensee pursuant to Section
31 11503 of the Government Code alleging the procurement of a
32 license by fraud or misrepresentation is not subject to the
33 limitations set forth in subdivision (a).

34 (c) The limitation provided for by subdivision (a) shall be
35 tolled for the length of time required to obtain compliance when
36 a report required to be filed by the licensee or registrant with the
37 board pursuant to Article 11 (commencing with Section 800) of
38 Chapter 1 is not filed in a timely fashion.



1 (d) If an alleged act or omission involves a minor, the
2 seven-year limitations period provided for by subdivision (a) shall
3 be tolled until the minor reaches the age of majority.

4 (e) *An accusation filed against a licensee pursuant to Section*
5 *11503 of the Government Code alleging sexual misconduct shall*
6 *be filed within three years after the board discovers the act or*
7 *omission alleged as the ground for disciplinary action, or within*
8 *10 years after the act or omission alleged as the ground for*
9 *disciplinary action occurs, whichever occurs first.*

10 SEC. 4. *Section 4992.31 of the Business and Professions Code*
11 *is amended to read:*

12 4992.31. (a) Except as provided in subdivisions (b) ~~and~~, (c),
13 *and (e)*, any accusation filed against a licensee pursuant to Section
14 11503 of the Government Code shall be filed within three years
15 from the date the board discovers the alleged act or omission that
16 is the basis for disciplinary action, or within seven years from the
17 date the alleged act or omission that is the basis for disciplinary
18 action occurred, whichever occurs first.

19 (b) An accusation filed against a licensee pursuant to Section
20 11503 of the Government Code alleging the procurement of a
21 license by fraud or misrepresentation is not subject to the
22 limitations set forth in subdivision (a).

23 (c) The limitation provided for by subdivision (a) shall be
24 tolled for the length of time required to obtain compliance when
25 a report required to be filed by the licensee or registrant with the
26 board pursuant to Article 11 (commencing with Section 800) of
27 Chapter 1 is not filed in a timely fashion.

28 (d) If an alleged act or omission involves a minor, the
29 seven-year limitations period provided for by subdivision (a) shall
30 be tolled until the minor reaches the age of majority.

31 (e) *An accusation filed against a licensee pursuant to Section*
32 *11503 of the Government Code alleging sexual misconduct shall*
33 *be filed within three years after the board discovers the act or*
34 *omission alleged as the ground for disciplinary action, or within*
35 *10 years after the act or omission alleged as the ground for*
36 *disciplinary action occurs, whichever occurs first.*

