

Assembly Bill No. 249

Passed the Assembly May 3, 2007

Chief Clerk of the Assembly

Passed the Senate September 5, 2007

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 809.10 to, and to repeal Section 2220.7 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 249, Eng. Licensees: healing arts: settlement agreements.

Existing law prohibits a physician and surgeon from including or permitting to be included specified provisions in a settlement agreement arising from his or her practice regardless of whether the agreement is made before or after filing the civil action. Under existing law, a physician and surgeon who violates this requirement is subject to disciplinary action by the Medical Board of California.

This bill would continue to impose that prohibition on physicians and surgeons and would additionally impose it on other healing arts practitioners and would also make them subject to disciplinary action.

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

SECTION 1. Section 809.10 is added to the Business and Professions Code, to read:

809.10. (a) No person who is licensed, certified, or registered by a board under this division, nor an entity or person acting as an authorized agent of that person, shall include or permit to be included any of the following provisions in an agreement to settle a civil dispute, whether the agreement is made before or after the commencement of a civil action:

(1) A provision that prohibits the other party in that dispute from contacting or cooperating with the department or board.

(2) A provision that prohibits the other party in that dispute from filing a complaint with the department or board.

(3) A provision that requires the other party in that dispute to withdraw a complaint from the department or board. This type of provision is void as against public policy.

(b) A licensed, certified, or registered person who violates this section is subject to disciplinary action by the appropriate board.

SEC. 2. Section 2220.7 of the Business and Professions Code is repealed.

Approved _____, 2007

Governor