

**Introduced by Senator Corbett**February 21, 2008

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An act to amend Sections 27, 801, 802.1, and 1005 of the Business and Professions Code, relating to healing arts.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1402, as introduced, Corbett. Reporting requirements.

Existing law, the Chiropractic Act, a statute enacted by initiative, creates the State Board of Chiropractic Examiners, which licenses and regulates the practice of chiropractic. Existing law requires certain entities within the Department of Consumer Affairs and the Department of Real Estate to provide information, excluding personal information, on the Internet relative to the status of every license issued by the entity, as specified. Existing law requires certain health care providers to report to their licensing boards the bringing of an indictment or information charging a felony against them or their conviction of a felony or misdemeanor. Existing law requires insurers providing professional liability insurance to certain health care professionals to send a complete report to the applicable licensing entity as to any settlement or arbitration award meeting certain criteria.

This bill would expand the information that the specified licensing entities are required to disclose to the public on the Internet information to include information regarding licensees convictions of a misdemeanor or felony, and would add the Board of Chiropractic Examiners to the entities required to provide the licensing status information. The bill would require a chiropractor to report to the Board of Chiropractic Examiners the bringing of an indictment or information charging a felony against them or their conviction of any felony or misdemeanor. The bill would also require an insurer providing professional liability

insurance to a chiropractor to send a complete report to the Chiropractic Examiners Board, as specified, of any settlement or arbitration award of over \$2,000 of a claim or action for damages meeting certain criteria.

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 27 of the Business and Professions Code  
 2 is amended to read:

3 27. (a) Every entity specified in subdivision (b), ~~on or after~~  
 4 ~~July 1, 2001~~, shall provide on the Internet information regarding  
 5 the status of every license issued by that entity in accordance with  
 6 the California Public Records Act (Chapter 3.5 (commencing with  
 7 Section 6250) of Division 7 of Title 1 of the Government Code)  
 8 and the Information Practices Act of 1977 (Chapter 1 (commencing  
 9 with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil  
 10 Code). The public information to be provided on the Internet shall  
 11 include information on *convictions of licensees of the entity of a*  
 12 *misdemeanor or felony, and shall include information on*  
 13 *suspensions and revocations of licenses issued by the entity and*  
 14 *other related enforcement action taken by the entity relative to*  
 15 *persons, businesses, or facilities subject to licensure or regulation*  
 16 *by the entity. In providing information on the Internet, each entity*  
 17 *shall comply with the Department of Consumer Affairs Guidelines*  
 18 *for Access to Public Records. The information may not include*  
 19 *personal information, including home telephone number, date of*  
 20 *birth, or social security number. Each entity shall disclose a*  
 21 *licensee’s address of record. However, each entity shall allow a*  
 22 *licensee to provide a post office box number or other alternate*  
 23 *address, instead of his or her home address, as the address of*  
 24 *record. This section shall not preclude an entity from also requiring*  
 25 *a licensee, who has provided a post office box number or other*  
 26 *alternative mailing address as his or her address of record, to*  
 27 *provide a physical business address or residence address only for*  
 28 *the entity’s internal administrative use and not for disclosure as*  
 29 *the licensee’s address of record or disclosure on the Internet.*

30 (b) Each of the following entities within the Department of  
 31 Consumer Affairs shall comply with the requirements of this  
 32 section:

1 (1) The Acupuncture Board shall disclose information on its  
2 licensees.

3 (2) The Board of Behavioral Sciences shall disclose information  
4 on its licensees, including marriage and family therapists, licensed  
5 clinical social workers, and licensed educational psychologists.

6 (3) The Dental Board of California shall disclose information  
7 on its licensees.

8 (4) The State Board of Optometry shall disclose information  
9 regarding certificates of registration to practice optometry,  
10 statements of licensure, optometric corporation registrations, branch  
11 office licenses, and fictitious name permits of ~~their~~ *its* licensees.

12 (5) The Board for Professional Engineers and Land Surveyors  
13 shall disclose information on its registrants and licensees.

14 (6) The Structural Pest Control Board shall disclose information  
15 on its licensees, including applicators, field representatives, and  
16 operators in the areas of fumigation, general pest and wood  
17 destroying pests and organisms, and wood roof cleaning and  
18 treatment.

19 (7) The Bureau of Automotive Repair shall disclose information  
20 on its licensees, including auto repair dealers, smog stations, lamp  
21 and brake stations, smog check technicians, and smog inspection  
22 certification stations.

23 (8) The Bureau of Electronic and Appliance Repair shall disclose  
24 information on its licensees, including major appliance repair  
25 dealers, combination dealers (electronic and appliance), electronic  
26 repair dealers, service contract sellers, and service contract  
27 administrators.

28 (9) The Cemetery ~~Program~~ *and Funeral Bureau* shall disclose  
29 information on its licensees, including cemetery brokers, cemetery  
30 salespersons, crematories, and cremated remains disposers.

31 (10) The ~~Funeral Directors and Embalmers Program~~ *Cemetery*  
32 *and funeral Bureau* shall disclose information on its licensees,  
33 including embalmers, funeral establishments, and funeral directors.

34 (11) The Contractors' State License Board shall disclose  
35 information on its licensees in accordance with Chapter 9  
36 (commencing with Section 7000) of Division 3. In addition to  
37 information related to licenses as specified in subdivision (a), the  
38 board shall also disclose information provided to the board by the  
39 Labor Commissioner pursuant to Section 98.9 of the Labor Code.

1 (12) The Board of Psychology shall disclose information on its  
2 licensees, including psychologists, psychological assistants, and  
3 registered psychologists.

4 (13) *The Board of Chiropractic Examiners shall disclose*  
5 *information on its licensees.*

6 (c) “Internet” for the purposes of this section has the meaning  
7 set forth in paragraph (6) of subdivision (e) of Section 17538.

8 SEC. 2. Section 801 of the Business and Professions Code is  
9 amended to read:

10 801. (a) Except as provided in Section 801.01 and subdivisions  
11 (b), (c), ~~and (d)~~, *and (e)* of this section, every insurer providing  
12 professional liability insurance to a person who holds a license,  
13 certificate, or similar authority from or under any agency mentioned  
14 in subdivision (a) of Section 800 shall send a complete report to  
15 that agency as to any settlement or arbitration award over three  
16 thousand dollars (\$3,000) of a claim or action for damages for  
17 death or personal injury caused by that person’s negligence, error,  
18 or omission in practice, or by his or her rendering of unauthorized  
19 professional services. The report shall be sent within 30 days after  
20 the written settlement agreement has been reduced to writing and  
21 signed by all parties thereto or within 30 days after service of the  
22 arbitration award on the parties.

23 (b) Every insurer providing professional liability insurance to  
24 a person licensed pursuant to Chapter 13 (commencing with  
25 Section 4980) or Chapter 14 (commencing with Section 4990)  
26 shall send a complete report to the Board of Behavioral Science  
27 Examiners as to any settlement or arbitration award over ten  
28 thousand dollars (\$10,000) of a claim or action for damages for  
29 death or personal injury caused by that person’s negligence, error,  
30 or omission in practice, or by his or her rendering of unauthorized  
31 professional services. The report shall be sent within 30 days after  
32 the written settlement agreement has been reduced to writing and  
33 signed by all parties thereto or within 30 days after service of the  
34 arbitration award on the parties.

35 (c) Every insurer providing professional liability insurance to  
36 a dentist licensed pursuant to Chapter 4 (commencing with Section  
37 1600) shall send a complete report to the Dental Board of  
38 California as to any settlement or arbitration award over ten  
39 thousand dollars (\$10,000) of a claim or action for damages for  
40 death or personal injury caused by that person’s negligence, error,

1 or omission in practice, or rendering of unauthorized professional  
2 services. The report shall be sent within 30 days after the written  
3 settlement agreement has been reduced to writing and signed by  
4 all parties thereto or within 30 days after service of the arbitration  
5 award on the parties.

6 (d) Every insurer providing liability insurance to a veterinarian  
7 licensed pursuant to Chapter 11 (commencing with Section 4800)  
8 shall send a complete report to the Veterinary Medical Board of  
9 any settlement or arbitration award over ten thousand dollars  
10 (\$10,000) of a claim or action for damages for death or injury  
11 caused by that person's negligence, error, or omission in practice,  
12 or rendering of unauthorized professional service. The report shall  
13 be sent within 30 days after the written settlement agreement has  
14 been reduced to writing and signed by all parties thereto or within  
15 30 days after service of the arbitration award on the parties.

16 (e) *Every insurer providing liability insurance to a chiropractor*  
17 *licensed pursuant to the Chiropractic Act shall send a complete*  
18 *report to the Board of Chiropractic Examiners of any settlement*  
19 *or arbitration award over two thousand dollars (\$2,000) of a claim*  
20 *or action for damages for death or injury caused by that person's*  
21 *negligence, error, or omission in practice, or rendering of*  
22 *unauthorized professional service. The report shall be sent within*  
23 *30 days after the written settlement agreement has been reduced*  
24 *to writing and signed by all parties thereto or within 30 days after*  
25 *service of the arbitration award on the parties.*

26 (e)

27 (f) The insurer shall notify the claimant, or if the claimant is  
28 represented by counsel, the insurer shall notify the claimant's  
29 attorney, that the report required by ~~subdivision (a), (b), or (e)~~ *this*  
30 *section* has been sent to the agency. If the attorney has not received  
31 this notice within 45 days after the settlement was reduced to  
32 writing and signed by all of the parties, the arbitration award was  
33 served on the parties, or the date of entry of the civil judgment,  
34 the attorney shall make the report to the agency.

35 (f)

36 (g) Notwithstanding any other provision of law, no insurer shall  
37 enter into a settlement without the written consent of the insured,  
38 except that this prohibition shall not void any settlement entered  
39 into without that written consent. The requirement of written  
40 consent shall only be waived by both the insured and the insurer.

1 ~~This section shall only apply to a settlement on a policy of~~  
2 ~~insurance executed or renewed on or after January 1, 1971.~~

3 SEC. 3. Section 802.1 of the Business and Professions Code  
4 is amended to read:

5 802.1. (a) (1) A physician and surgeon, *an* osteopathic  
6 physician and surgeon, ~~and~~ a doctor of podiatric medicine, *and a*  
7 *chiropractor* shall report either of the following to the entity that  
8 issued his or her license:

9 (A) The bringing of an indictment or information charging a  
10 felony against the licensee.

11 (B) The conviction of the licensee, including any verdict of  
12 guilty, or plea of guilty or no contest, of any felony or  
13 misdemeanor.

14 (2) The report required by this subdivision shall be made in  
15 writing within 30 days of the date of the bringing of the indictment  
16 or information or of the conviction.

17 (b) Failure to make a report required by this section shall be a  
18 public offense punishable by a fine not to exceed five thousand  
19 dollars (\$5,000).

20 SEC. 4. Section 1005 of the Business and Professions Code is  
21 amended to read:

22 1005. The provisions of Sections 12.5, 23.9, 27, 29.5, 30, 31,  
23 35, 104, 114, 115, 119, 121, 121.5, 125, 125.6, 136, 137, 140, 141,  
24 143, 163.5, 461, 462, 475, 480, 484, 485, 487, 489, 490, 490.5,  
25 491, 494, 495, 496, 498, 499, 510, 511, 512, 701, 702, 703, 704,  
26 710, 716, 730.5, 731, *801, 802.1*, and 851 are applicable to persons  
27 licensed by the State Board of Chiropractic Examiners under the  
28 Chiropractic Act.