

Introduced by Senator Ridley-Thomas

February 21, 2008

An act to amend Section 2307 of the Business and Professions Code, relating to medicine.

LEGISLATIVE COUNSEL'S DIGEST

SB 1441, as introduced, Ridley-Thomas. Physicians and surgeons: disciplinary procedures.

Existing law, the Medical Practice Act, creates the Medical Board of California and makes it responsible for disciplining a physician and surgeon for acts of unprofessional conduct. Under the act, a physician and surgeon whose certificate is revoked, suspended, or placed on probation for unprofessional conduct may petition for reinstatement or modification after a specified time period. Existing law requires that petition to be accompanied by at least two verified recommendations from physicians and surgeons licensed by the board who have personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed.

This bill would also allow those recommendations to be made by physicians and surgeons licensed in other states. The bill would also make other technical, nonsubstantive changes to obsolete references.

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 2307 of the Business and Professions
- 2 Code is amended to read:

1 2307. (a) A person whose certificate has been surrendered
2 while under investigation or while charges are pending or whose
3 certificate has been revoked or suspended or placed on probation,
4 may petition the ~~Division of Medical Quality~~ *board* for
5 reinstatement or modification of penalty, including modification
6 or termination of probation.

7 (b) The person may file the petition after a period of not less
8 than the following minimum periods have elapsed from the
9 effective date of the surrender of the certificate or the decision
10 ordering that disciplinary action:

11 (1) At least three years for reinstatement of a license surrendered
12 or revoked for unprofessional conduct, except that the ~~division~~
13 *board* may, for good cause shown, specify in a revocation order
14 that a petition for reinstatement may be filed after two years.

15 (2) At least two years for early termination of probation of three
16 years or more.

17 (3) At least one year for modification of a condition, or
18 reinstatement of a license surrendered or revoked for mental or
19 physical illness, or termination of probation of less than three years.

20 (c) The petition shall state any facts as may be required by the
21 ~~division~~ *board*. The petition shall be accompanied by at least two
22 verified recommendations from physicians and surgeons licensed
23 ~~by the board~~ *in any state* who have personal knowledge of the
24 activities of the petitioner since the disciplinary penalty was
25 imposed.

26 (d) The petition may be heard by a panel of the ~~division~~ *board*.
27 The ~~division~~ *board* may assign the petition to an administrative
28 law judge designated in Section 11371 of the Government Code.
29 After a hearing on the petition, the administrative law judge shall
30 provide a proposed decision to the ~~division~~ *board* or the California
31 Board of Podiatric Medicine, as applicable, which shall be acted
32 upon in accordance with Section 2335.

33 (e) The panel of the ~~division~~ *board* or the administrative law
34 judge hearing the petition may consider all activities of the
35 petitioner since the disciplinary action was taken, the offense for
36 which the petitioner was disciplined, the petitioner's activities
37 during the time the certificate was in good standing, and the
38 petitioner's rehabilitative efforts, general reputation for truth, and
39 professional ability. The hearing may be continued from time to

1 time as the administrative law judge designated in Section 11371
2 of the Government Code finds necessary.

3 (f) The administrative law judge designated in Section 11371
4 of the Government Code reinstating a certificate or modifying a
5 penalty may recommend the imposition of any terms and conditions
6 deemed necessary.

7 (g) No petition shall be considered while the petitioner is under
8 sentence for any criminal offense, including any period during
9 which the petitioner is on court-imposed probation or parole. No
10 petition shall be considered while there is an accusation or petition
11 to revoke probation pending against the person. ~~The division~~ *board*
12 may deny without a hearing or argument any petition filed pursuant
13 to this section within a period of two years from the effective date
14 of the prior decision following a hearing under this section.

15 (h) This section is applicable to and may be carried out with
16 regard to licensees of the California Board of Podiatric Medicine.
17 In lieu of two verified recommendations from physicians and
18 surgeons, the petition shall be accompanied by at least two verified
19 recommendations from podiatrists licensed by the board who have
20 personal knowledge of the activities of the petitioner since the date
21 the disciplinary penalty was imposed.

22 (i) Nothing in this section shall be deemed to alter Sections 822
23 and 823 ~~of the Business and Professions Code.~~

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