

AMENDED IN ASSEMBLY APRIL 14, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2699

Introduced by Assembly Member Bass

February 19, 2010

An act to amend Section 900 of, and to add Section 901 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2699, as amended, Bass. Healing arts: licensure exemption.

Existing law provides for the licensure and regulation of various healing arts practitioners by boards within the Department of Consumer Affairs. Existing law provides an exemption from these requirements for a health care practitioner licensed in another state who offers or provides health care for which he or she is licensed during a state of emergency, as defined, and upon request of the Director of the Emergency Medical Services Authority, as specified.

This bill would also provide an exemption from the licensure and regulation requirements for a health care practitioner, as defined, licensed *or certified* in another state who offers or provides health care services for which he or she is licensed *or certified* (1) on a short-term voluntary basis, (2) in association with a sponsoring entity that registers with, and provides specified information to, the designated local agency, as defined, selected by a local government entity, as defined, and (3) without charge to the recipient or a 3rd party on behalf of the recipient, as specified. The bill would also prohibit a contract of professional liability insurance issued, amended, or renewed on or after January 1,

2011, from excluding coverage of these practitioners or a sponsoring entity for providing care under these provisions. The bill would ~~also~~ state the intent of the Legislature that these health care services be provided primarily to uninsured and underinsured persons, as specified.

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

3 900. (a) Nothing in this division applies to a health care
4 practitioner licensed in another state or territory of the United
5 States who offers or provides health care for which he or she is
6 licensed, if the health care is provided only during a state of
7 emergency as defined in subdivision (b) of Section 8558 of the
8 Government Code, which emergency overwhelms the response
9 capabilities of California health care practitioners and only upon
10 the request of the Director of the Emergency Medical Services
11 Authority.

12 (b) The director shall be the medical control and shall designate
13 the licensure and specialty health care practitioners required for
14 the specific emergency and shall designate the areas to which they
15 may be deployed.

16 (c) Health care practitioners shall provide, upon request, a valid
17 copy of a professional license and a photograph identification
18 issued by the state in which the practitioner holds licensure before
19 being deployed by the director.

20 (d) Health care practitioners deployed pursuant to this chapter
21 shall provide the appropriate California licensing authority with
22 verification of licensure upon request.

23 (e) Health care practitioners providing health care pursuant to
24 this chapter shall have immunity from liability for services rendered
25 as specified in Section 8659 of the Government Code.

26 (f) For the purposes of this section, “health care practitioner”
27 means any person who engages in acts which are the subject of
28 licensure or regulation under this division or under any initiative
29 act referred to in this division.

30 (g) For purposes of this section, “director” means the Director
31 of the Emergency Medical Services Authority who shall have the

1 powers specified in Division 2.5 (commencing with Section 1797)
2 of the Health and Safety Code.

3 SEC. 2. Section 901 is added to the Business and Professions
4 Code, to read:

5 901. (a) For purposes of this section, the following ~~provisions~~
6 *definitions* apply:

7 (1) "Designated local agency" means an office, department,
8 agency, or other entity of a local government entity designated to
9 act on behalf of a local government entity in accordance with this
10 section.

11 (2) "Health care practitioner" means ~~a physician and surgeon,~~
12 ~~osteopathic physician and surgeon, chiropractor, dentist, dental~~
13 ~~hygienist, nurse, vocational nurse, optometrist, or physician~~
14 ~~assistant; any person who engages in acts that are subject to~~
15 ~~licensure or regulation under this division or under any initiative~~
16 ~~act referred to in this division.~~

17 (3) "Local government entity" means a city, county, or city and
18 county having a public health officer.

19 (4) "Sponsoring entity" may include, but is not limited to, a
20 nonprofit organization or a community-based organization.

21 (b) A local ~~governmental~~ *government* entity may, at its
22 discretion, elect to allow for the provision of health care services
23 within its jurisdiction ~~by a designated local agency~~ in accordance
24 with this section.

25 (c) Nothing in this division applies to a health care practitioner
26 licensed *or certified* in good standing in another state, district, or
27 territory of the United States who offers or provides health care
28 *services* for which he or she is licensed *or certified* if both of the
29 following requirements are met:

30 (1) Prior to providing that care, he or she submits to the
31 designated local agency a valid copy of his or her professional
32 license or certificate and a photographic identification issued by
33 the state in which he or she holds licensure or certification. A
34 sponsoring entity may submit copies of those documents to the
35 designated local agency on behalf of a health care practitioner.

36 (2) The care is provided under all of the following
37 circumstances:

38 (A) On a short-term voluntarily basis, not to exceed a 90-day
39 period.

1 (B) In association with a sponsoring entity that complies with
2 subdivision (d).

3 (C) Without charge to the recipient or to a third party on behalf
4 of the recipient.

5 (d) A sponsoring entity seeking to provide, or arrange for the
6 provision of, health care *services* under this section shall do both
7 of the following:

8 (1) Register with the applicable designated local agency by
9 completing a registration form that shall include all of the following
10 elements:

11 (A) The name of the sponsoring entity.

12 (B) The name of the principal individual or individuals who are
13 the officers or organizational officials responsible for the operation
14 of the sponsoring entity.

15 (C) The address, including street, city, ~~Zip~~ ZIP Code, and
16 county, of the sponsoring entity's principal office and each
17 individual listed pursuant to subparagraph (B).

18 (D) The telephone number for the principal office of the
19 sponsoring entity and each individual listed pursuant to
20 subparagraph (B).

21 (E) Any additional information required by the designated local
22 agency.

23 (2) Obtain authorization from the designated local agency to
24 provide health care services.

25 (e) The sponsoring entity shall notify the designated local agency
26 in writing of any change to the information required under
27 subdivision (d) within 30 days of the change.

28 (f) (1) Within 15 days of the provision of health care services
29 pursuant to this section, the sponsoring entity shall file a report
30 with the designated local agency. This report shall contain the date,
31 place, type, and general description of the care provided, along
32 with a listing of the health care practitioners who participated in
33 providing that care.

34 (2) The sponsoring entity shall maintain a list of health care
35 practitioners associated with the provision of health care services
36 under this section. The sponsoring entity shall maintain a copy of
37 each health care practitioner's current license or certificate and
38 shall require each health care practitioner to attest in writing that
39 his or her license or certificate is not suspended or revoked pursuant
40 to disciplinary proceedings in any jurisdiction. The sponsoring

1 entity shall maintain these records for a period of at least five years
2 following the provision of health care services under this section
3 and shall, upon request, furnish those records to the designated
4 local agency.

5 (g) The designated local agency may revoke the registration of
6 a sponsoring entity that fails to comply with subdivision (d), (e),
7 or (f).

8 (h) A contract of professional liability insurance issued,
9 amended, or renewed in this state on or after January 1, 2011, shall
10 not exclude coverage of a health care practitioner or a sponsoring
11 entity that provides, or arranges for the provision of, health care
12 *services* under this section, provided that the practitioner or entity
13 complies with this section.

14 (i) The designated local agency shall verify the current state
15 licensure or certification of each health care practitioner and shall
16 notify the sponsoring entity if the current licensure or certification
17 of a health care practitioner cannot be verified.

18 (j) It is the intent of the Legislature that health care services
19 provided pursuant to this section be provided primarily to uninsured
20 or underinsured persons. "Uninsured or underinsured person"
21 means a person who does not have health care coverage, including
22 private coverage or coverage through a program funded in whole
23 or in part by a governmental entity, or a person who has health
24 care coverage, but the coverage does not extend to the health care
25 services offered by the health care practitioner under this section.