

AMENDED IN ASSEMBLY MARCH 7, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 536

Introduced by Assembly Member Ma

February 16, 2011

~~An act to amend Section 101.6 of the Business and Professions Code, relating to the Department of Consumer Affairs. An act to add Section 2027.1 to the Business and Professions Code, relating to physicians and surgeons.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 536, as amended, Ma. ~~Department of Consumer Affairs. Physicians and surgeons.~~

Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Existing law requires the board to post certain information on the Internet regarding licensed physicians and surgeons, including, but not limited to, felony convictions, certain misdemeanor convictions, and whether or not a licensee is in good standing. Existing law requires that specified information remain posted for 10 years and prohibits the removal of certain other information.

This bill would require the board to remove expunged misdemeanor or felony convictions posted pursuant to those provisions within 90 days of receiving a copy of the expungement order from the licensee.

~~Existing law creates the Department of Consumer Affairs and establishes the department's composition, and specifies that the purpose of the boards, bureaus, and commissions within the department is protection of the public.~~

~~This bill would make a nonsubstantive, technical change to the provision specifying that purpose.~~

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

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

1 ~~SECTION 1. Section 2027.1 is added to the Business and~~
2 ~~Professions Code, to read:~~

3 ~~2027.1. Notwithstanding subdivision (b) of Section 2027, the~~
4 ~~board shall remove an expunged misdemeanor or felony conviction~~
5 ~~posted pursuant to Section 2027 within 90 days of receiving a copy~~
6 ~~of the expungement order from the licensee.~~

7 ~~SECTION 1. Section 101.6 of the Business and Professions~~
8 ~~Code is amended to read:~~

9 ~~101.6. The boards, bureaus, and commissions in the department~~
10 ~~are established for the purpose of ensuring that those private~~
11 ~~businesses and professions deemed to engage in activities that~~
12 ~~have potential impact upon the public health, safety, and welfare~~
13 ~~are adequately regulated in order to protect the people of California.~~

14 ~~To this end, they establish minimum qualifications and levels~~
15 ~~of competency and license persons desiring to engage in the~~
16 ~~occupations they regulate upon determining that such persons~~
17 ~~possess the requisite skills and qualifications necessary to provide~~
18 ~~safe and effective services to the public, or register or otherwise~~
19 ~~certify persons in order to identify practitioners and ensure~~
20 ~~performance according to set and accepted professional standards.~~
21 ~~They provide a means for redress of grievances by investigating~~
22 ~~allegations of unprofessional conduct, incompetence, fraudulent~~
23 ~~action, or unlawful activity brought to their attention by members~~
24 ~~of the public and institute disciplinary action against persons~~
25 ~~licensed or registered under the provisions of this code when such~~
26 ~~action is warranted. In addition, they conduct periodic checks of~~
27 ~~licensees, registrants, or otherwise certified persons in order to~~
28 ~~ensure compliance with the relevant sections of this code.~~

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