

ASSEMBLY BILL

No. 1886

Introduced by Assembly Member Eggman

February 19, 2014

An act to amend Section 2027 of the Business and Professions Code, relating to physicians and surgeons.

LEGISLATIVE COUNSEL'S DIGEST

AB 1886, as introduced, Eggman. Medical Board of California.

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 and requires specified information, including any malpractice awards, to be posted for a period of 10 years.

This bill would remove the requirement that specified information be posted on the Internet for a period of 10 years thereby requiring that information to be posted indefinitely.

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 2027 of the Business and Professions
- 2 Code is amended to read:
- 3 2027. (a) The board shall post on the Internet the following
- 4 information in its possession, custody, or control regarding licensed
- 5 physicians and surgeons:

- 1 (1) With regard to the status of the license, whether or not the
2 licensee is in good standing, subject to a temporary restraining
3 order (TRO), subject to an interim suspension order (ISO), or
4 subject to any of the enforcement actions set forth in Section 803.1.
5 (2) With regard to prior discipline, whether or not the licensee
6 has been subject to discipline by the board or by the board of
7 another state or jurisdiction, as described in Section 803.1.
8 (3) Any felony convictions reported to the board after January
9 3, 1991.
10 (4) All current accusations filed by the Attorney General,
11 including those accusations that are on appeal. For purposes of
12 this paragraph, “current accusation” shall mean an accusation that
13 has not been dismissed, withdrawn, or settled, and has not been
14 finally decided upon by an administrative law judge and the
15 Medical Board of California unless an appeal of that decision is
16 pending.
17 (5) Any malpractice judgment or arbitration award reported to
18 the board after January 1, 1993.
19 (6) Any hospital disciplinary actions that resulted in the
20 termination or revocation of a licensee’s hospital staff privileges
21 for a medical disciplinary cause or reason. The posting shall also
22 provide a link to any additional explanatory or exculpatory
23 information submitted electronically by the licensee pursuant to
24 subdivision (f) of Section 805.
25 (7) Any misdemeanor conviction that results in a disciplinary
26 action or an accusation that is not subsequently withdrawn or
27 dismissed.
28 (8) Appropriate disclaimers and explanatory statements to
29 accompany the above information, including an explanation of
30 what types of information are not disclosed. These disclaimers and
31 statements shall be developed by the board and shall be adopted
32 by regulation.
33 (9) Any information required to be disclosed pursuant to Section
34 803.1.
35 (b) Upon receipt of a certified copy of an expungement order
36 granted pursuant to Section 1203.4 of the Penal Code from a
37 licensee, the board shall, within six months of receipt of the
38 expungement order, post notification of the expungement order
39 and the date thereof on its Internet Web site.

1 ~~(e) (1) From January 1, 2003, the information described in~~
2 ~~paragraphs (1) (other than whether or not the licensee is in good~~
3 ~~standing), (2), (4), (5), (7), and (9) of subdivision (a) shall remain~~
4 ~~posted for a period of 10 years from the date the board obtains~~
5 ~~possession, custody, or control of the information, and after the~~
6 ~~end of that period shall be removed from being posted on the~~
7 ~~board's Internet Web site. Information in the possession, custody,~~
8 ~~or control of the board prior to January 1, 2003, shall be posted~~
9 ~~for a period of 10 years from January 1, 2003. Settlement~~
10 ~~information shall be posted as described in paragraph (2) of~~
11 ~~subdivision (b) of Section 803.1.~~

12 ~~(2) The information described in paragraphs (3) and (6) of~~
13 ~~subdivision (a) shall not be removed from being posted on the~~
14 ~~board's Internet Web site.~~

15 ~~(3) Notwithstanding paragraph (2) and except as provided in~~
16 ~~paragraph (4), if a licensee's hospital staff privileges are restored~~
17 ~~and the licensee notifies the board of the restoration, the~~
18 ~~information pertaining to the termination or revocation of those~~
19 ~~privileges, as described in paragraph (6) of subdivision (a), shall~~
20 ~~remain posted for a period of 10 years from the restoration date~~
21 ~~of the privileges, and at the end of that period shall be removed~~
22 ~~from being posted on the board's Internet Web site.~~

23 ~~(4) Notwithstanding paragraph (2), if~~

24 ~~(c) If a court finds, in a final judgment, that peer review resulting~~
25 ~~in a hospital disciplinary action was conducted in bad faith and~~
26 ~~the licensee notifies the board of that finding, the information~~
27 ~~concerning that hospital disciplinary action posted pursuant to~~
28 ~~paragraph (6) of subdivision (a) shall be immediately removed~~
29 ~~from the board's Internet Web site. For purposes of this paragraph,~~
30 ~~"peer review" has the same meaning as defined in Section 805.~~

31 ~~(d) The board shall also post on the Internet a factsheet that~~
32 ~~explains and provides information on the reporting requirements~~
33 ~~under Section 805.~~

34 ~~(e) The board shall provide links to other Web sites on the~~
35 ~~Internet that provide information on board certifications that meet~~
36 ~~the requirements of subdivision (b) of Section 651. The board may~~
37 ~~provide links to other Web sites on the Internet that provide~~
38 ~~information on health care service plans, health insurers, hospitals,~~
39 ~~or other facilities. The board may also provide links to any other~~

- 1 sites that would provide information on the affiliations of licensed
- 2 physicians and surgeons.

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