

AMENDED IN ASSEMBLY APRIL 2, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1886

Introduced by Assembly Member Eggman

February 19, 2014

An act to amend ~~Section~~ *Sections 2027 and 2233* of the Business and Professions Code, relating to physicians and surgeons.

LEGISLATIVE COUNSEL'S DIGEST

AB 1886, as amended, 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~~ *judgements, arbitration awards, and settlement information*, to be posted for a period of 10 years.

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

Existing law authorizes the board, by stipulation or settlement with the affected physician and surgeon, to issue a public letter of reprimand after it has conducted an investigation or inspection as specified, rather than filing or prosecuting a formal accusation.

Existing law requires the board to disclose information regarding any enforcement actions taken against a licensee, including, among other things, public letters of reprimand issued, to an inquiring member of the public, as specified.

This bill would make a clarifying and conforming change regarding the disclosure of public letters of reprimand to an inquiring member of the public by deleting a conflicting provision that authorizes, rather than requires, the board to disclose those public letters of reprimand.

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:

6 (1) With regard to the status of the license, whether or not the
7 licensee is in good standing, subject to a temporary restraining
8 order (TRO), subject to an interim suspension order (ISO), or
9 subject to any of the enforcement actions set forth in Section 803.1.

10 (2) With regard to prior discipline, whether or not the licensee
11 has been subject to discipline by the board or by the board of
12 another state or jurisdiction, as described in Section 803.1.

13 (3) Any felony convictions reported to the board after January
14 3, 1991.

15 (4) All current accusations filed by the Attorney General,
16 including those accusations that are on appeal. For purposes of
17 this paragraph, “current accusation” shall mean an accusation that
18 has not been dismissed, withdrawn, or settled, and has not been
19 finally decided upon by an administrative law judge and the
20 Medical Board of California unless an appeal of that decision is
21 pending.

22 (5) Any malpractice judgment or arbitration award reported to
23 the board after January 1, 1993.

24 (6) Any hospital disciplinary actions that resulted in the
25 termination or revocation of a licensee’s hospital staff privileges
26 for a medical disciplinary cause or reason. The posting shall also
27 provide a link to any additional explanatory or exculpatory
28 information submitted electronically by the licensee pursuant to
29 subdivision (f) of Section 805.

1 (7) Any misdemeanor conviction that results in a disciplinary
2 action or an accusation that is not subsequently withdrawn or
3 dismissed.

4 (8) Appropriate disclaimers and explanatory statements to
5 accompany the above information, including an explanation of
6 what types of information are not disclosed. These disclaimers and
7 statements shall be developed by the board and shall be adopted
8 by regulation.

9 (9) Any information required to be disclosed pursuant to Section
10 803.1.

11 (10) *Settlement information, which shall be posted as described*
12 *in paragraph (2) of subdivision (b) of Section 803.1.*

13 (b) Upon receipt of a certified copy of an expungement order
14 granted pursuant to Section 1203.4 of the Penal Code from a
15 licensee, the board shall, within six months of receipt of the
16 expungement order, post notification of the expungement order
17 and the date thereof on its Internet Web site.

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

25 (d) The board shall also post on the Internet a factsheet that
26 explains and provides information on the reporting requirements
27 under Section 805.

28 (e) The board shall provide links to other Web sites on the
29 Internet that provide information on board certifications that meet
30 the requirements of subdivision (b) of Section 651. The board may
31 provide links to other Web sites on the Internet that provide
32 information on health care service plans, health insurers, hospitals,
33 or other facilities. The board may also provide links to any other
34 sites that would provide information on the affiliations of licensed
35 physicians and surgeons.

36 *SEC. 2. Section 2233 of the Business and Professions Code is*
37 *amended to read:*

38 2233. The board may, by stipulation or settlement with the
39 affected physician and surgeon, issue a public letter of reprimand
40 after it has conducted an investigation or inspection as provided

1 in this article, rather than filing or prosecuting a formal accusation.
2 The public letter of reprimand may, at the discretion of the board,
3 include a requirement for specified training or education. The
4 affected physician and surgeon shall indicate agreement or
5 nonagreement in writing within 30 days of formal notification by
6 the board of its intention to issue the letter. The board, at its option,
7 may extend the response time. Use of a public reprimand shall be
8 limited to minor violations and shall be issued under guidelines
9 established by regulations of the board. ~~A public letter of reprimand~~
10 ~~issued pursuant to this section may be disclosed to an inquiring~~
11 ~~member of the public.~~