

AMENDED IN ASSEMBLY APRIL 22, 2014

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 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 *indefinitely* regarding licensed physicians and surgeons and requires specified information, including any malpractice 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, thereby requiring that information to require specified information, including enforcement actions, disciplinary actions, malpractice judgments, arbitration awards, and certain misdemeanor convictions, to be posted indefinitely on the board's Internet Web site.~~

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

1 information submitted electronically by the licensee pursuant to
2 subdivision (f) of Section 805.

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4 action or an accusation that is not subsequently withdrawn or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

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

11 (9) Any information required to be disclosed pursuant to Section
12 803.1.

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

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

20 ~~(c) If~~

21 *(c) (1) From January 1, 2003, the information described in*
22 *paragraph (1) of subdivision (a) regarding whether a licensee is*
23 *subject to a temporary restraining order (TRO) or an interim*
24 *suspension order (ISO), the information in paragraph (4) of*
25 *subdivision (a), and information on public letters of reprimand*
26 *shall remain posted on the board's Internet Web site for a period*
27 *of 10 years from the date the board obtains possession, custody,*
28 *or control of the information, and after the end of that period the*
29 *information shall be removed from the board's Internet Web site.*

30 *(2) Except as provided in paragraph (3), if a licensee's hospital*
31 *staff privileges are restored and the licensee notifies the board of*
32 *the restoration, the information pertaining to the termination or*
33 *revocation of those privileges, as described in paragraph (6) of*
34 *subdivision (a), shall remain posted on the board's Internet Web*
35 *site for a period of 10 years from the restoration date of the*
36 *privileges, and at the end of that period the information shall be*
37 *removed from the board's Internet Web site.*

38 *(3) If a court finds, in a final judgment, that peer review resulting*
39 *in a hospital disciplinary action was conducted in bad faith and*
40 *the licensee notifies the board of that finding, the information*

1 concerning that hospital disciplinary action posted pursuant to
2 paragraph (6) of subdivision (a) shall be immediately removed
3 from the board’s Internet Web site. For purposes of this paragraph,
4 “peer review” has the same meaning as defined in Section 805.

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

8 (e) The board shall provide links to other Web sites on the
9 Internet that provide information on board certifications that meet
10 the requirements of subdivision (b) of Section 651. The board may
11 provide links to other Web sites on the Internet that provide
12 information on health care service plans, health insurers, hospitals,
13 or other facilities. The board may also provide links to any other
14 sites that would provide information on the affiliations of licensed
15 physicians and surgeons.

16 SEC. 2. Section 2233 of the Business and Professions Code is
17 amended to read:

18 2233. The board may, by stipulation or settlement with the
19 affected physician and surgeon, issue a public letter of reprimand
20 after it has conducted an investigation or inspection as provided
21 in this article, rather than filing or prosecuting a formal accusation.
22 The public letter of reprimand may, at the discretion of the board,
23 include a requirement for specified training or education. The
24 affected physician and surgeon shall indicate agreement or
25 nonagreement in writing within 30 days of formal notification by
26 the board of its intention to issue the letter. The board, at its option,
27 may extend the response time. Use of a public reprimand shall be
28 limited to minor violations and shall be issued under guidelines
29 established by regulations of the board.