

Introduced by Senator StoneFebruary 18, 2016

An act to add Section 902 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1261, as introduced, Stone. Physicians and surgeons: 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.

Existing law provides, until January 1, 2018, an exemption from the licensure and regulation requirements for a health care practitioner, as defined, licensed or certified in good standing in another state or states, who offers or provides health care services for which he or she is licensed or certified through a sponsored event, as defined, (1) to uninsured or underinsured persons, (2) on a short-term voluntary basis, (3) in association with a sponsoring entity that registers with the applicable healing arts board, as defined, and provides specified information to the county health department of the county in which the health care services will be provided, and (4) without charge to the recipient or a 3rd party on behalf of the recipient, as specified. Existing law also requires an exempt health care practitioner to obtain prior authorization to provide these services from the applicable licensing

board, as defined, and to satisfy other specified requirements, including payment of a fee as determined by the applicable licensing board.

This bill would provide an exemption similar to that sponsored event exemption to be administered by the Medical Board of California, applicable only to a physician, defined as a person licensed or certified in good standing in another jurisdiction of the United States, who offers or provides health care services for which he or she is licensed or certified, and who engages in acts that are subject to licensure or regulation under the Medical Practice Act. That exemption would be for health care services that are provided through free clinics, as defined, rather than through sponsored events. Such a physician would be authorized to volunteer for up to 60 days in a calendar year, which need not be consecutive.

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 902 is added to the Business and
2 Professions Code, to read:

3 902. (a) For purposes of this section, the following definitions
4 apply:

5 (1) “Board” means the Medical Board of California.

6 (2) “Free clinic” has the same meaning as defined in Section
7 1204 of the Health and Safety Code.

8 (3) “Physician” means any person, licensed or certified in good
9 standing in another state, district, or territory of the United States
10 who offers or provides health care services for which he or she is
11 licensed or certified and who engages in acts that are subject to
12 licensure or regulation under Chapter 5 (commencing with Section
13 2000).

14 (4) “Uninsured or underinsured person” means a person who
15 does not have health care coverage, including private coverage or
16 coverage through a program funded in whole or in part by a
17 governmental entity, or a person who has health care coverage,
18 but the coverage is not adequate to obtain those health care services
19 offered by the physician under this section.

20 (b) A physician who offers or provides health care services at
21 a free clinic is exempt from the requirement for licensure under

1 Chapter 5 (commencing with Section 2000) if all of the following
2 requirements are met:

3 (1) Prior to providing those services, he or she does all of the
4 following:

5 (A) Obtains authorization from the board to participate in a free
6 clinic after submitting to the board a copy of his or her valid license
7 or certificate from each state in which he or she holds licensure or
8 certification and a photographic identification issued by one of the
9 states in which he or she holds licensure or certification. The board
10 shall notify the free clinic, within 20 calendar days of receiving a
11 request for authorization, whether that request is approved or
12 denied.

13 (B) Satisfies the following requirements:

14 (i) The physician has not committed any act or been convicted
15 of a crime constituting grounds for denial of licensure or
16 registration under Section 480 and is in good standing in each state
17 in which he or she holds licensure or certification.

18 (ii) The physician has the appropriate education and experience
19 to participate in a free clinic, as determined by the board.

20 (iii) The physician shall agree to comply with all applicable
21 practice requirements set forth in this division and the regulations
22 adopted pursuant to this division.

23 (C) Submits to the board, on a form prescribed by the board, a
24 request for authorization to practice without a license, and pays a
25 fee, in an amount determined by the board by regulation, which
26 shall be available, upon appropriation, to cover the cost of
27 developing the authorization process and processing the request.

28 (2) The services are provided under all of the following
29 circumstances:

30 (A) To uninsured or underinsured persons.

31 (B) On voluntary basis, for a total of days not to exceed 60 days
32 in a calendar year. The 60 days need not be consecutive.

33 (C) In association with a free clinic enrolled in the Medi-Cal
34 program that complies with subdivision (d).

35 (D) Without charge to the recipient or to a third party on behalf
36 of the recipient.

37 (c) The board may deny a physician authorization to practice
38 without a license if the physician fails to comply with this section
39 or for any act that would be grounds for denial of an application
40 for licensure.

- 1 (d) A free clinic enrolled in the Medi-Cal program seeking to
2 provide, or arrange for the provision of, health care services under
3 this section shall do both of the following:
- 4 (1) Register with the board by completing a registration form
5 that shall include all of the following:
- 6 (A) The name of the free clinic.
7 (B) The name of the principal individual or individuals who are
8 the officers or organizational officials responsible for the operation
9 of the free clinic.
10 (C) The address, including street, city, ZIP Code, and county,
11 of the free clinic's principal office and each individual listed
12 pursuant to subparagraph (B).
13 (D) The telephone number for the principal office of the free
14 clinic and each individual listed pursuant to subparagraph (B).
15 (E) Any additional information required by the board.
- 16 (2) Provide the information listed in paragraph (1) to the county
17 health department of the county in which the health care services
18 will be provided, along with any additional information that may
19 be required by that department.
- 20 (e) The free clinic shall notify the board and the county health
21 department described in paragraph (2) of subdivision (d) in writing
22 of any change to the information required under subdivision (d)
23 within 30 calendar days of the change.
- 24 (f) Within 15 calendar days of the provision of health care
25 services pursuant to this section, the free clinic shall file a report
26 with the board and the county health department of the county in
27 which the health care services were provided. This report shall
28 contain the date, place, type, and general description of the care
29 provided, along with a listing of the physicians who participated
30 in providing that care.
- 31 (g) The free clinic shall maintain a list of physicians associated
32 with the provision of health care services under this section. The
33 free clinic shall maintain a copy of each physician's current license
34 or certification and shall require each physician to attest in writing
35 that his or her license or certificate is not suspended or revoked
36 pursuant to disciplinary proceedings in any jurisdiction. The free
37 clinic shall maintain these records for a period of at least five years
38 following the provision of health care services under this section
39 and shall, upon request, furnish those records to the board or any
40 county health department.

1 (h) A contract of liability insurance issued, amended, or renewed
2 in this state on or after January 1, 2017, shall not exclude coverage
3 of a physician or a free clinic that provides, or arranges for the
4 provision of, health care services under this section, provided that
5 the practitioner or free clinic complies with this section.

6 (i) Subdivision (b) shall not be construed to authorize a physician
7 to render care outside the scope of practice authorized by his or
8 her license or certificate or this division.

9 (j) (1) The board may terminate authorization for a physician
10 to provide health care services pursuant to this section for failure
11 to comply with this section, any applicable practice requirement
12 set forth in this division, any regulations adopted pursuant to this
13 division, or for any act that would be grounds for discipline if done
14 by a licensee of the board.

15 (2) The board shall provide both the free clinic and the physician
16 with a written notice of termination including the basis for that
17 termination. The physician may, within 30 days after the date of
18 the receipt of notice of termination, file a written appeal to the
19 board. The appeal shall include any documentation the physician
20 wishes to present to the board.

21 (3) A physician whose authorization to provide health care
22 services pursuant to this section has been terminated shall not
23 provide health care services pursuant to this section unless and
24 until a subsequent request for authorization has been approved by
25 the board. A physician who provides health care services in
26 violation of this paragraph shall be deemed to be practicing health
27 care in violation of Chapter 5 (commencing with Section 2000),
28 and be subject to any applicable administrative, civil, or criminal
29 fines, penalties, and other sanctions provided in this division.

30 (k) The provisions of this section are severable. If any provision
31 of this section or its application is held invalid, that invalidity shall
32 not affect other provisions or applications that can be given effect
33 without the invalid provision or application.