

AMENDED IN SENATE MAY 3, 2016

**SENATE BILL**

**No. 1261**

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**Introduced by Senator Stone**

February 18, 2016

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An act to ~~add Section 902 to~~ amend Sections 2083 and 2442 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1261, as amended, Stone. Physicians and surgeons: ~~licensure exemption.~~ *fee exemption: residency.*

*The Medical Practice Act provides for the licensure and regulation of physicians and surgeons by the Medical Board of California and establishes specific requirements for licensure and renewal. That act generally requires that an application for a certificate be accompanied by the fee required by the act, but requires the waiver of the fee for a physician and surgeon residing in California who certifies to the board that the license is for the sole purpose of providing voluntary, unpaid service. The act establishes a parallel fee waiver requirement for the renewal of a physician and surgeon's certificate.*

*This bill would remove from those application and renewal fee waiver provisions the requirement that a physician and surgeon reside in California.*

~~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 2083 of the Business and Professions*
- 2 *Code is amended to read:*
- 3 2083. (a) Except as provided in subdivision (b), each
- 4 application for a certificate shall be accompanied by the fee
- 5 required by this chapter and shall be filed with the Division of
- 6 Licensing.
- 7 (b) The license fee shall be waived for a physician and surgeon
- 8 ~~residing in California~~ who certifies to the Medical Board of
- 9 California that the issuance of the license ~~or the renewal of the~~

1 license is for the sole purpose of providing voluntary, unpaid  
2 service.

3 *SEC. 2. Section 2442 of the Business and Professions Code is*  
4 *amended to read:*

5 2442. The renewal fee shall be waived for a physician and  
6 surgeon ~~residing in California~~ who certifies to the Medical Board  
7 of California that license renewal is for the sole purpose of  
8 providing voluntary, unpaid service.

9 ~~SECTION 1. Section 902 is added to the Business and~~  
10 ~~Professions Code, to read:~~

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

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

14 (2) ~~“Free clinic” has the same meaning as defined in Section~~  
15 ~~1204 of the Health and Safety Code.~~

16 (3) ~~“Physician” means any person, licensed or certified in good~~  
17 ~~standing in another state, district, or territory of the United States~~  
18 ~~who offers or provides health care services for which he or she is~~  
19 ~~licensed or certified and who engages in acts that are subject to~~  
20 ~~licensure or regulation under Chapter 5 (commencing with Section~~  
21 ~~2000).~~

22 (4) ~~“Uninsured or underinsured person” means a person who~~  
23 ~~does not have health care coverage, including private coverage or~~  
24 ~~coverage through a program funded in whole or in part by a~~  
25 ~~governmental entity, or a person who has health care coverage,~~  
26 ~~but the coverage is not adequate to obtain those health care services~~  
27 ~~offered by the physician under this section.~~

28 (b) ~~A physician who offers or provides health care services at~~  
29 ~~a free clinic is exempt from the requirement for licensure under~~  
30 ~~Chapter 5 (commencing with Section 2000) if all of the following~~  
31 ~~requirements are met:~~

32 (1) ~~Prior to providing those services, he or she does all of the~~  
33 ~~following:~~

34 (A) ~~Obtains authorization from the board to participate in a free~~  
35 ~~clinic after submitting to the board a copy of his or her valid license~~  
36 ~~or certificate from each state in which he or she holds licensure or~~  
37 ~~certification and a photographic identification issued by one of the~~  
38 ~~states in which he or she holds licensure or certification. The board~~  
39 ~~shall notify the free clinic, within 20 calendar days of receiving a~~

1 request for authorization, whether that request is approved or  
2 denied.

3 (B) Satisfies the following requirements:

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

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

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

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

18 (2) The services are provided under all of the following  
19 circumstances:

20 (A) To uninsured or underinsured persons.

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

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

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

27 (e) The board may deny a physician authorization to practice  
28 without a license if the physician fails to comply with this section  
29 or for any act that would be grounds for denial of an application  
30 for licensure.

31 (d) A free clinic enrolled in the Medi-Cal program seeking to  
32 provide, or arrange for the provision of, health care services under  
33 this section shall do both of the following:

34 (1) Register with the board by completing a registration form  
35 that shall include all of the following:

36 (A) The name of the free clinic.

37 (B) The name of the principal individual or individuals who are  
38 the officers or organizational officials responsible for the operation  
39 of the free clinic.

1 ~~(C) The address, including street, city, ZIP Code, and county,~~  
2 ~~of the free clinic's principal office and each individual listed~~  
3 ~~pursuant to subparagraph (B).~~

4 ~~(D) The telephone number for the principal office of the free~~  
5 ~~clinic and each individual listed pursuant to subparagraph (B).~~

6 ~~(E) Any additional information required by the board.~~

7 ~~(2) Provide the information listed in paragraph (1) to the county~~  
8 ~~health department of the county in which the health care services~~  
9 ~~will be provided, along with any additional information that may~~  
10 ~~be required by that department.~~

11 ~~(e) The free clinic shall notify the board and the county health~~  
12 ~~department described in paragraph (2) of subdivision (d) in writing~~  
13 ~~of any change to the information required under subdivision (d)~~  
14 ~~within 30 calendar days of the change.~~

15 ~~(f) Within 15 calendar days of the provision of health care~~  
16 ~~services pursuant to this section, the free clinic shall file a report~~  
17 ~~with the board and the county health department of the county in~~  
18 ~~which the health care services were provided. This report shall~~  
19 ~~contain the date, place, type, and general description of the care~~  
20 ~~provided, along with a listing of the physicians who participated~~  
21 ~~in providing that care.~~

22 ~~(g) The free clinic shall maintain a list of physicians associated~~  
23 ~~with the provision of health care services under this section. The~~  
24 ~~free clinic shall maintain a copy of each physician's current license~~  
25 ~~or certification and shall require each physician to attest in writing~~  
26 ~~that his or her license or certificate is not suspended or revoked~~  
27 ~~pursuant to disciplinary proceedings in any jurisdiction. The free~~  
28 ~~clinic shall maintain these records for a period of at least five years~~  
29 ~~following the provision of health care services under this section~~  
30 ~~and shall, upon request, furnish those records to the board or any~~  
31 ~~county health department.~~

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

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

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

7     ~~(2) The board shall provide both the free clinic and the physician~~  
8 ~~with a written notice of termination including the basis for that~~  
9 ~~termination. The physician may, within 30 days after the date of~~  
10 ~~the receipt of notice of termination, file a written appeal to the~~  
11 ~~board. The appeal shall include any documentation the physician~~  
12 ~~wishes to present to the board.~~

13     ~~(3) A physician whose authorization to provide health care~~  
14 ~~services pursuant to this section has been terminated shall not~~  
15 ~~provide health care services pursuant to this section unless and~~  
16 ~~until a subsequent request for authorization has been approved by~~  
17 ~~the board. A physician who provides health care services in~~  
18 ~~violation of this paragraph shall be deemed to be practicing health~~  
19 ~~care in violation of Chapter 5 (commencing with Section 2000);~~  
20 ~~and be subject to any applicable administrative, civil, or criminal~~  
21 ~~finis, penalties, and other sanctions provided in this division.~~

22     ~~(k) The provisions of this section are severable. If any provision~~  
23 ~~of this section or its application is held invalid, that invalidity shall~~  
24 ~~not affect other provisions or applications that can be given effect~~  
25 ~~without the invalid provision or application.~~