

ASSEMBLY BILL

No. 245

Introduced by Assembly Member Ma

February 10, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

AB 245, as introduced, Ma. Physicians and surgeons.

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.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
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) ~~On or after July 1, 2001, the~~ The board shall post on
- 4 the Internet the following information in its possession, custody,
- 5 or control regarding licensed 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.

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

4 (3) Any felony convictions reported to the board after January
5 3, 1991.

6 (4) All current accusations filed by the Attorney General,
7 including those accusations that are on appeal. For purposes of
8 this paragraph, “current accusation” shall mean an accusation that
9 has not been dismissed, withdrawn, or settled, and has not been
10 finally decided upon by an administrative law judge and the
11 ~~Medical Board of California~~ *board* unless an appeal of that decision
12 is pending.

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

15 (6) Any hospital disciplinary actions that resulted in the
16 termination or revocation of a licensee’s hospital staff privileges
17 for a medical disciplinary cause or reason.

18 (7) Any misdemeanor conviction that results in a disciplinary
19 action or an accusation that is not subsequently withdrawn or
20 dismissed.

21 (8) Appropriate disclaimers and explanatory statements to
22 accompany the above information, including an explanation of
23 what types of information are not disclosed. These disclaimers and
24 statements shall be developed by the board and shall be adopted
25 by regulation.

26 (9) Any information required to be disclosed pursuant to Section
27 803.1.

28 (b) (1) From January 1, 2003, the information described in
29 paragraphs (1) (other than whether or not the licensee is in good
30 standing), (2), (4), (5), (7), and (9) of subdivision (a) shall remain
31 posted for a period of 10 years from the date the board obtains
32 possession, custody, or control of the information, and after the
33 end of that period shall be removed from being posted on the
34 board’s Internet Web site. Information in the possession, custody,
35 or control of the board prior to January 1, 2003, shall be posted
36 for a period of 10 years from January 1, 2003. Settlement
37 information shall be posted as described in paragraph (2) of
38 subdivision (b) of Section 803.1.

39 (2) The information described in paragraphs (3) and (6) of
40 subdivision (a) shall not be removed from being posted on the

1 board's Internet Web site. Notwithstanding the provisions of this
2 paragraph, if a licensee's hospital staff privileges are restored and
3 the licensee notifies the board of the restoration, the information
4 pertaining to the termination or revocation of those privileges, as
5 described in paragraph (6) of subdivision (a), shall remain posted
6 for a period of 10 years from the restoration date of the privileges,
7 and at the end of that period shall be removed from being posted
8 on the board's Internet Web site.

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