

Date of Hearing: June 28, 2016

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Rudy Salas, Chair

SB 1261(Stone) – As Amended May 3, 2016

SENATE VOTE: 35-0

SUBJECT: Physicians and surgeons: fee exemption: residency

SUMMARY: Removes the requirement from application and renewal fee waivers that a physician and surgeon reside in California in order to provide voluntary and unpaid services.

EXISTING LAW:

- 1) Establishes the Medical Board of California (MBC), to regulate the practice of medicine in California. (Business and Professions Code (BPC) § 2000 *et seq.*)
- 2) Establishes the Osteopathic Medical Board (OMBC) to enforce provisions of law related to osteopathic physicians and surgeons. (BPC § 2450)
- 3) Provides that a physician and surgeon who practices or attempts to practice medicine in California without a license or certificate is guilty of a public offense punishable by a fine not exceeding \$10,000, by imprisonment, or by both fine and imprisonment. (BPC § 2052)
- 4) Exempts health care practitioners licensed in another state or territory from California licensure during a state of emergency, as specified. (BPC § 900)
- 5) Authorizes the MBC and the OMBC to establish reciprocity provisions for those individuals holding an unlimited license to practice medicine or osteopathic medicine in another state, as specified. (BPC §§ 2135, 2153.5)
- 6) Exempts from California licensure, until January 1, 2018, out of state health care practitioners who voluntarily participate in “sponsored events” for uninsured or underinsured individuals for no more than ten calendar days, as specified. (BPC § 901)

THIS BILL:

- 1) Removes the requirement from application and renewal fee waivers that a physician and surgeon reside in California in order to provide voluntary and unpaid services.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, this bill will result in negligible state costs.

COMMENTS:

Purpose. This bill is sponsored by the author. According to the author, “In parts of the state, including parts of the 28th Senate District, many semi-retired doctors flock to the region during the winter time. According to many of the health clinics in those regions, they receive numerous

requests for doctors looking to volunteer. Current law limits out of state doctors to only practice at specified events when in California. The amount of time these doctors are allowed to practice at these events is only 10 days. SB 1261 allows licensed doctors, who are in good standing in their own state but are visiting California, to volunteer and help alleviate the doctor shortage at health clinics in California by simply expanding a program that is already offered to retired California doctors that are practicing on a volunteer basis.”

Background. Prior to 2010, health care practitioners, including physician and surgeons, osteopathic physicians, dentists, physician assistants, nurses, and dental hygienists were required to be licensed in California in order to practice in the state for any length of time and in any setting. The only exemptions included health care practitioners who provided care during a state of emergency upon request by the Director of Emergency Medical Services Authority, or if a physician and surgeon who was practicing in another state had been invited by the United States Olympic Committee to provide medical services during in-state events sanctioned by the Committee.

In 2010, AB 2699 (Bass) Chapter 270, Statutes of 2010, established that health care professionals who were licensed or certified outside of California were permitted to provide health care services to underinsured and uninsured Californians at health care events. These professionals could only provide these services for up to 10 days. In 2013, AB 512 (Rendon) Chapter 111, Statutes of 2013, extended the sunset date of AB 2699 from January 1, 2014 to January 1, 2018.

Patient Protection Provisions. Current law includes a number of provisions to ensure patient safety including:

For health care practitioners:

- 1) The practitioner must obtain authorization from the respective California licensing or certifying board to participate in the sponsored event.
- 2) The practitioner must be in good standing in each state in which the practitioner is licensed or certified.
- 3) The practitioner must not have committed any act or been convicted of a crime constituting grounds for denial of licensure or certification.
- 4) The practitioner must have the appropriate education and experience to participate in a sponsored event.
- 5) The practitioner whose authorization to provide health care services has been terminated and is deemed to be practicing health care in violation of the law is subject to any applicable administrative, civil, and criminal fines, penalties and other sanctions.

For the Sponsors of Health Care Events:

- 1) Requires the sponsoring entity seeking to provide, or arrange for the provision of, health care services to do both of the following:

- a) Register with each applicable licensing or certifying board for which an out of state health care practitioner is participating in the sponsored event by completing a registration form.
 - b) Provide the information on the registration form to the county health department of the county in which the health care services will be provided.
- 2) Requires the sponsoring entity to notify in writing the licensing or certifying board and the county health department of any change to the information on the registration form within 30 calendar days of the change.
 - 3) Within 15 calendar days of the provision of health care services, the sponsoring entity must file a report with the licensing or certifying board and the county health department on the date, place, type and general description of the care provided, along with a listing of the health care practitioners who participated in providing services.
 - 4) Requires the sponsoring entity to maintain a copy of each health care practitioner's current license or certification and shall require each health care practitioner to attest in writing that his or her license or certificate is not suspended or revoked pursuant to disciplinary proceedings in any jurisdiction. The sponsoring entity shall maintain these records for a period of at least five years following the provision of health care services and shall, upon request, furnish those records to the licensing or certifying board or any county health department.

For the licensing or certifying boards:

- 1) Authorizes the board to terminate authorization for a health care practitioner to provide health care services pursuant to this bill for failure to comply with the requirements of this bill.
- 2) Requires the board provide both the sponsoring entity and the health care practitioner with a written notice of termination including the basis for that termination.
- 3) Allows the board to deny a health care practitioner authorization to practice without a license if the health care practitioner fails to comply with the requirements or for any act that would be grounds for denial of an application for licensure or certification.

Free Health Clinics. Since 2010, there have been several events held across the state. The Remote Area Medical Volunteer Corps is a non-profit organization that has staged hundreds of medical clinics both in the United States and worldwide. Over the past seven years, RAM conducted health events in Los Angeles County where volunteer health care practitioners, such as doctors, nurses, dentists, chiropractors and optometrists provided various medical services to over 19,000 uninsured and underinsured residents of the county. Additionally, more than 7,000 people received free medical, vision and dental care during a 2013 four day CareNow clinic event held at the Los Angeles Memorial Coliseum.

Currently, it is prohibited for a licensed out of state doctor to practice in California for an extended period of time. This bill seeks to allow licensed doctors, who are in good standing in their own state, and are visiting California, to volunteer their services at free clinics with a two year limited license issued by the MBC.

Prior Related Legislation. AB 512 (Rendon) Chapter 111, Statutes of 2013, extended the sunset date, from January 2014, to January 2018, on existing law permitting qualified, out-of-state health care practitioners to volunteer their services on a limited basis at health care events designed to provide free services for underinsured and uninsured individuals in California.

AB 2699 (Bass) Chapter 270, Statutes of 2010, exempted from state licensure, until January 1, 2014, specified health care practitioners who are licensed or certified in other states and who provide health care services on a voluntary basis to uninsured or underinsured persons in California, as specified.

REGISTERED SUPPORT:

None on file.

REGISTERED OPPOSITION:

None on file.

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