

AMENDED IN ASSEMBLY MARCH 5, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1838

Introduced by Assembly Member Bonilla

February 18, 2014

An act to ~~amend Section 901 of~~ *add Section 2084.5* to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1838, as amended, Bonilla. Healing arts: ~~exemption from licensure.~~ *medical school accreditation.*

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 each applicant for a physician's and surgeon's certificate to show by official transcript or other official evidence satisfactory to the Division of Licensing that he or she has successfully completed a specified medical curriculum that meets certain clinical instruction requirements extending over a period of at least 4 academic years, or 32 months of actual instruction, in a medical school, as specified.

This bill, notwithstanding any other law, would provide that a medical school or medical school program accredited by the Liaison Committee on Medical Education or the Committee on Accreditation of Canadian Medical Schools is deemed to meet the requirements described above.

~~Existing law provides for the licensure and regulation of various healing arts practitioners by boards within the Department of Consumer Affairs. Existing law, until January 1, 2018, provides an exemption from the licensure requirement for a health care practitioner licensed or certified and in good standing in another state, district, or territory~~

of the United States, when certain requirements are satisfied and health care services are provided under specified circumstances, including that the health care services are provided to uninsured or underinsured persons at a sponsored event not exceeding 10 days.

This bill would increase the period during which a health care practitioner is exempt from licensure pursuant to these provisions from 10 days to 15 days.

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 2084.5 is added to the Business and Professions Code, to read:

2 2084.5. Notwithstanding any other law, a medical school or
3 medical school program accredited by the Liaison Committee on
4 Medical Education or the Committee on Accreditation of Canadian
5 Medical Schools shall be deemed to meet the requirements of
6 Sections 2089 and 2089.5.

7 SECTION 1. Section 901 of the Business and Professions Code
8 is amended to read:

9 901. (a) For purposes of this section, the following provisions
10 apply:

11 (1) "Board" means the applicable healing arts board, under this
12 division or an initiative act referred to in this division, responsible
13 for the licensure or regulation in this state of the respective health
14 care practitioners.

15 (2) "Health care practitioner" means any person who engages
16 in acts that are subject to licensure or regulation under this division
17 or under any initiative act referred to in this division.

18 (3) "Sponsored event" means an event, not to exceed 15 calendar
19 days, administered by either a sponsoring entity or a local
20 government, or both, through which health care is provided to the
21 public without compensation to the health care practitioner.

22 (4) "Sponsoring entity" means a nonprofit organization
23 organized pursuant to Section 501(c)(3) of the Internal Revenue
24 Code or a community-based organization.

25 (5) "Uninsured or underinsured person" means a person who
26 does not have health care coverage, including private coverage or
27 coverage through a program funded in whole or in part by a
28

1 governmental entity, or a person who has health care coverage,
2 but the coverage is not adequate to obtain those health care services
3 offered by the health care practitioner under this section.

4 (b) A health care practitioner licensed or certified in good
5 standing in another state, district, or territory of the United States
6 who offers or provides health care services for which he or she is
7 licensed or certified is exempt from the requirement for licensure
8 if all of the following requirements are met:

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

11 (A) Obtains authorization from the board to participate in the
12 sponsored event after submitting to the board a copy of his or her
13 valid license or certificate from each state in which he or she holds
14 licensure or certification and a photographic identification issued
15 by one of the states in which he or she holds licensure or
16 certification. The board shall notify the sponsoring entity, within
17 20 calendar days of receiving a request for authorization, whether
18 that request is approved or denied, provided that, if the board
19 receives a request for authorization less than 20 days prior to the
20 date of the sponsored event, the board shall make reasonable efforts
21 to notify the sponsoring entity whether that request is approved or
22 denied prior to the date of that sponsored event.

23 (B) Satisfies the following requirements:

24 (i) The health care practitioner has not committed any act or
25 been convicted of a crime constituting grounds for denial of
26 licensure or registration under Section 480 and is in good standing
27 in each state in which he or she holds licensure or certification.

28 (ii) The health care practitioner has the appropriate education
29 and experience to participate in a sponsored event, as determined
30 by the board.

31 (iii) The health care practitioner shall agree to comply with all
32 applicable practice requirements set forth in this division and the
33 regulations adopted pursuant to this division.

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

39 (2) The services are provided under all of the following
40 circumstances:

- 1 ~~(A) To uninsured or underinsured persons.~~
- 2 ~~(B) On a short-term voluntary basis, not to exceed a~~
- 3 ~~15-calendar-day period per sponsored event.~~
- 4 ~~(C) In association with a sponsoring entity that complies with~~
- 5 ~~subdivision (d).~~
- 6 ~~(D) Without charge to the recipient or to a third party on behalf~~
- 7 ~~of the recipient.~~
- 8 ~~(e) The board may deny a health care practitioner authorization~~
- 9 ~~to practice without a license if the health care practitioner fails to~~
- 10 ~~comply with this section or for any act that would be grounds for~~
- 11 ~~denial of an application for licensure.~~
- 12 ~~(d) A sponsoring entity seeking to provide, or arrange for the~~
- 13 ~~provision of, health care services under this section shall do both~~
- 14 ~~of the following:~~
- 15 ~~(1) Register with each applicable board under this division for~~
- 16 ~~which an out-of-state health care practitioner is participating in~~
- 17 ~~the sponsored event by completing a registration form that shall~~
- 18 ~~include all of the following:~~
- 19 ~~(A) The name of the sponsoring entity.~~
- 20 ~~(B) The name of the principal individual or individuals who are~~
- 21 ~~the officers or organizational officials responsible for the operation~~
- 22 ~~of the sponsoring entity.~~
- 23 ~~(C) The address, including street, city, ZIP Code, and county,~~
- 24 ~~of the sponsoring entity's principal office and each individual listed~~
- 25 ~~pursuant to subparagraph (B).~~
- 26 ~~(D) The telephone number for the principal office of the~~
- 27 ~~sponsoring entity and each individual listed pursuant to~~
- 28 ~~subparagraph (B).~~
- 29 ~~(E) Any additional information required by the board.~~
- 30 ~~(2) Provide the information listed in paragraph (1) to the county~~
- 31 ~~health department of the county in which the health care services~~
- 32 ~~will be provided, along with any additional information that may~~
- 33 ~~be required by that department.~~
- 34 ~~(e) The sponsoring entity shall notify the board and the county~~
- 35 ~~health department described in paragraph (2) of subdivision (d) in~~
- 36 ~~writing of any change to the information required under subdivision~~
- 37 ~~(d) within 30 calendar days of the change.~~
- 38 ~~(f) Within 15 calendar days of the provision of health care~~
- 39 ~~services pursuant to this section, the sponsoring entity shall file a~~
- 40 ~~report with the board and the county health department of the~~

1 county in which the health care services were provided. This report
2 shall contain the date, place, type, and general description of the
3 care provided, along with a listing of the health care practitioners
4 who participated in providing that care.

5 (g) ~~The sponsoring entity shall maintain a list of health care~~
6 ~~practitioners associated with the provision of health care services~~
7 ~~under this section. The sponsoring entity shall maintain a copy of~~
8 ~~each health care practitioner's current license or certification and~~
9 ~~shall require each health care practitioner to attest in writing that~~
10 ~~his or her license or certificate is not suspended or revoked pursuant~~
11 ~~to disciplinary proceedings in any jurisdiction. The sponsoring~~
12 ~~entity shall maintain these records for a period of at least five years~~
13 ~~following the provision of health care services under this section~~
14 ~~and shall, upon request, furnish those records to the board or any~~
15 ~~county health department.~~

16 (h) ~~A contract of liability insurance issued, amended, or renewed~~
17 ~~in this state on or after January 1, 2011, shall not exclude coverage~~
18 ~~of a health care practitioner or a sponsoring entity that provides,~~
19 ~~or arranges for the provision of, health care services under this~~
20 ~~section, provided that the practitioner or entity complies with this~~
21 ~~section.~~

22 (i) ~~Subdivision (b) shall not be construed to authorize a health~~
23 ~~care practitioner to render care outside the scope of practice~~
24 ~~authorized by his or her license or certificate or this division.~~

25 (j) (1) ~~The board may terminate authorization for a health care~~
26 ~~practitioner to provide health care services pursuant to this section~~
27 ~~for failure to comply with this section, any applicable practice~~
28 ~~requirement set forth in this division, any regulations adopted~~
29 ~~pursuant to this division, or for any act that would be grounds for~~
30 ~~discipline if done by a licensee of that board.~~

31 (2) ~~The board shall provide both the sponsoring entity and the~~
32 ~~health care practitioner with a written notice of termination~~
33 ~~including the basis for that termination. The health care practitioner~~
34 ~~may, within 30 days after the date of the receipt of notice of~~
35 ~~termination, file a written appeal to the board. The appeal shall~~
36 ~~include any documentation the health care practitioner wishes to~~
37 ~~present to the board.~~

38 (3) ~~A health care practitioner whose authorization to provide~~
39 ~~health care services pursuant to this section has been terminated~~
40 ~~shall not provide health care services pursuant to this section unless~~

1 and until a subsequent request for authorization has been approved
2 by the board. A health care practitioner who provides health care
3 services in violation of this paragraph shall be deemed to be
4 practicing health care in violation of the applicable provisions of
5 this division, and be subject to any applicable administrative, civil,
6 or criminal fines, penalties, and other sanctions provided in this
7 division.

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

12 (l) This section shall remain in effect only until January 1, 2018,
13 and as of that date is repealed, unless a later enacted statute, that
14 is enacted before January 1, 2018, deletes or extends that date.