

# MEDICAL BOARD OF CALIFORNIA

## FICTITIOUS NAME PERMITS (FNP)



# THE PURPOSE OF A FNP

- The purpose of a fictitious name permit (FNP) is to allow a licensed physician and surgeon or podiatrist to practice under a name other than his or her own.

# FNP Statute and Regulations

- ▣ Business and Professions Code Section: 2285 – Use of Fictitious Name in any Public Communication
  
- ▣ California Code of Regulations, Title 16, Division 13, Sections:
  - ▣ 1350 - Application
  - ▣ 1350.1 - Request for a Duplicate Fictitious Name Permit
  - ▣ 1350.2 - Approval and Issuance
  - ▣ 1350.3 - Name Style

# Business and Professions Code

## Business and Professions Code Section 2285:

- The use of any fictitious, false, or assumed name, or any name other than his or her own by a licensee either alone, in conjunction with a partnership or group, or as the name of a professional corporation, in any public communication, advertisement, sign, or announcement of his or her practice without a fictitious-name permit obtained pursuant to Section 2415 constitutes unprofessional conduct. This section shall not apply to the following:
  - (a) Licensees who are employed by a partnership, a group, or a professional corporation that holds a fictitious name permit.
  - (b) Licensees who contract with, are employed by, or are on the staff of, any clinic licensed by the State Department of Health Services under Chapter 1 (commencing with Section 1200) of Division 2 of the Health and Safety Code.
  - (c) An outpatient surgery setting granted a certificate of accreditation from an accreditation agency approved by the medical board.
  - (d) Any medical school approved by the division or a faculty practice plan connected with the medical school.

# WHO CAN APPLY FOR A FNP?

- ▣ Any physician and surgeon or any doctor of podiatric medicine, who as a sole proprietor wants to practice under a name other than the name as listed on their license, or as a partnership, group, or professional corporation.
- ▣ Note: FNP applicant(s) license(s) must be renewed and current.

# FNP REQUIREMENTS

- ▣ The Licensing Program will issue a FNP if the following is satisfied:
  - The applicant or shareholders of the professional corporation hold valid and current licenses as physicians and surgeons or doctors of podiatric medicine.
  - The professional practice of the applicant(s) is wholly owned and entirely controlled by the applicant(s) or meets the requirements pursuant to Corporations Code Sections 13401 and 13401.5.
  - The name under which the applicant(s) proposes to practice is not deceptive, misleading, or confusing.

# FNP REQUIREMENTS CONT'D

- Each permit shall be accompanied by a notice that shall be displayed in a location readily visible to patients and staff.
- The notice shall be displayed at each place of business identified in the permit.
- The Licensing Program may revoke or suspend any permit issued if it finds that the holder(s) of the permit is not in compliance with the provisions of the law and regulations.
- An FNP issued to any licensee in a sole practice becomes invalid in the event the licensee's certificate to practice medicine or podiatric medicine is revoked.

# PROCESSING A FNP

- ▣ Staff reviews the application for completeness.
- ▣ Enforcement checks are made to review any complaints or enforcement issues of licensees.
- ▣ The California Secretary of State website is reviewed to ensure the applicant's professional medical corporation is in good standing.
- ▣ The Board's BreEZe system is reviewed to ensure the requested FNP name is not too similar or confusing with an existing FNP.

# PROGRAM INFORMATION

- ▣ A Fictitious Name Permit is issued approximately 4 – 6 weeks after submission to the Board.
- ▣ The initial application and permit fee is \$50.
- ▣ An FNP has a 2 year renewal cycle.
- ▣ The renewal fee is \$40.

# FNP Statistics

- ▣ FY 11/12 FNPs Issued:
  - Physicians/Surgeons - 1,397
  - Podiatric - 23
  
- ▣ FY 12/13 FNPs Issued:
  - Physicians/Surgeons - 1,277
  - Podiatric - 20