

Leg Podcast Transcript

The Medical Board of California is committed to consumer protection through the licensing and regulation of doctors and certain allied healthcare professionals.

CARLOS VILLATORO (CV): My name is Carlos Villatoro and this is Medical Board Chat, the official podcast of the Medical Board of California. The mission of the Medical Board of California is consumer protection and one of the ways the Board accomplishes this mission is through its legislative efforts. Here to talk about those efforts with us is the Board's Chief of Legislation, Jennifer Simoes. Jennifer, welcome to Medical Board Chat.

JENNIFER SIMOES (JS): Thanks for having me, Carlos.

CV: Jennifer, to begin, can you tell us a little bit about how active the Board is in the legislative process?

JS: The Medical Board is pretty active in the legislative process. All the bills go to the Board at every quarterly board meeting and the Board takes positions on these bills. And once positions are taken, then the Medical Board staff, which is myself, will go to the Legislature and testify at policy hearings, we'll write letters, we work with legislative staff and other stakeholders to work on those positions for legislation.

CV: Let's talk a little bit about the positions. How does the Board decide what laws to take positions on?

JS: Correct, so Board staff reviews every bill that's introduced by the legislature. What we do is we look for bills that impact consumer protection that impact physicians, and that impact the Medical Board in general, and we can take those bills to the Board because the Board wants to make positions on those for policy.

CV: I see, and so how can the layperson -- how can a member of the public -- be involved in this legislative process? What are some of those tips, those good tips that you have to offer?

JS: Sure, so there's a number of ways that the public can be involved in the legislative process. So first through the Board and the Board hears all the bills at its quarterly Board meetings and those Board meetings are public and there's an opportunity for the public to actually comment on those bills at the quarterly Board meeting. For us, for the legislature, there is an opportunity as the bills go through the policy committees, for testimony from the public and so for the policy Committees of Business and Professions, those are the Board's policy committees and also the Appropriations Committee, there's an opportunity for public comments.

CV: What are some steps that the Board has taken to provide information about the Board and especially its mission to the state legislature?

JS: So, myself as the Chief of Legislation works regularly with legislative offices and their constituents on Medical Board issues but one of the things the Board has implemented in the last few years is a Medical Board Legislative Day. And what we do is our Medical Board members go and meet with legislators and with a policy committees that the Board's bills go through. The purpose of those meetings are really to open the lines of communication between the Board and those legislative offices. But also, so the legislative offices can let -- provide outreach -- and let their constituents know about the Board that the Board exists and how to file a complaint with a physician online.

CV: So Jennifer, what do you see as some potentially game-changing laws currently making the rounds in the state legislature that will help the Board meet its all-important mission of consumer protection?

JS: Sure. There's a couple of bills the Board recently took a support position on. SB 425 Hill -- this requires health care facilities to basically report any instances of sexual abuse or sexual misconduct, and those would come directly to the Medical Board. This is to help in instances where someone has issues at their physician's office, but that information doesn't get to the Medical Board, so it's very important that the Board know about any sexual misconduct that could potentially be occurring.

CV: Oh, absolutely.

JS: And there's another bill along those same lines – AB 1030 Calderon -- and this bill requires the Medical Board, in coordination with the American College of Obstetricians and Gynecologists, to develop an informational pamphlet for patients undergoing gynecological exams. And it's really to let those younger patients know what to expect at those exams, so nothing inappropriate happens.

CV: I've always wondered: what is the difference between a law and a regulation? I don't think a lot of the members of the public know what the difference is. Are they both enforceable by the Board?

JS: So yes, laws and regulations are both enforceable by the Board. When a law gets changed, the Medical Board has to follow that, but sometimes when a law gets changed, it's not specific enough for the Board to be able to implement, so that's when the Board needs regulations to make those specific details, so the Board can actually implement that new law. And so anytime a law changes, if it's not specific enough, the Board will take the effort to promulgate regulations. And there is a built-in public comment periods for the public to comment on those regulations as it moves through the regulatory process.

CV: I see. So when the law isn't specific enough, then that's when the Board can make these regulations to implement that law.

JS: Correct.

CV: And does the regulation go through the same legislative process as a regular law would?

JS: No, so there's a different process for regulations and it has to follow the Administrative Procedures Act and it has set periods for public comments so those regulations come to the Board for approval and then they have a public comment process. And then they go to various agencies, but all along the way there is time for public comment if any change is made and then at the end it goes to the Office of Administrative Law to be filed and that's when the regulations become effective.

CV: And where can someone go to see all of the current regulations?

JS: That would be through the Office of Administrative Law's website or you can go through the California Code of Regulations which is available online and you can go through all the state agency regulations.

CV: What about ones for the Medical Board? Where would somebody go to view that?

JS: So we do have information on our website on laws and regulations and so I would encourage the public to take a look at those and see which regulations pertain to the Board.

CV: And what if a member of the public wanted to change a law pertaining to the Medical Board? What could they do?

JS: So, to change a law, what you really need to do is get a legislator to actually introduce that law change. And so I would encourage any individuals interested in changing a law to contact our local assembly member or senator and let them know what their idea is for change and then, if the office decides to take that legislation, then it would go through the legislative process, which means it would have to be introduced, it would have to go through a policy committee, and it would have to go to the Assembly or Senate floor. Then the same action would take place on the other side, and then eventually it goes to the governor for his or her signature and once that's signed, it becomes law.

CV: The person would have to seek a legislator to sponsor?

JS: They would have to seek a legislator. The Board does decide to sponsor some of its own laws but that takes place at the October or November Board meeting every year so the public is also welcome to come to the Medical Board and during public comments, you know, give their ideas. But that's not necessarily a guarantee that the Board will take that idea.

CV: I see. Does the Board try to make changes to existing laws?

JS: Yes we do. So we're always looking at ways to enhance consumer protection, enhance the Board's enforcement, to make the Board more effective and efficient. And so, what we do is we

work with staff here at the Medical Board and work with the Board members and sometimes interested parties to come up with ideas and as I said before, those ideas are taken to the Board at the October and November Board meeting and the Board decides which ideas it wants to pursue legislation. Once that happens, though, I still have to go to the Legislature and find an author and find a legislator that's willing to take that idea and then once they do and they agree to that, then that starts the legislative process.

CV: Excellent. So Jennifer, is there anything else I didn't ask you about the Board's legislative efforts that it would be important for the listeners of Medical Board Chat to know?

JS: I don't think so but mainly just encouraging consumers to get involved in the legislative process whether it be with the Board or the legislature because these are important things that happening in California that people should really be aware of and involved with.

CV: And that's going to do it for Medical Board Chat. Don't forget to follow us on Twitter, like us on Facebook and download our app for Apple iOS devices available on the App Store for free. Thank you, Jennifer.

JS: Thank you, Carlos