



MEDICAL BOARD OF CALIFORNIA
Licensing Program



May 12, 2010

Dear Interested Party:

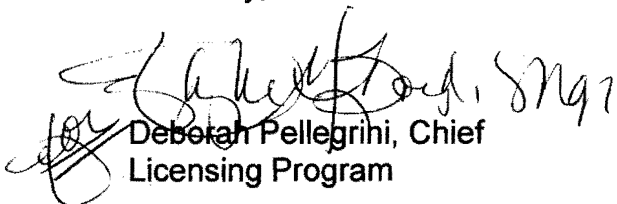
The Medical Board of California (Board) has drafted a regulatory proposal to add Article 4.5 in Chapter 1 of Division 13 of Title 16, California Code of Regulations, to set forth the criteria and requirements for a limited practice license. Legislation, AB 501, effective January 1, 2010, authorizes the Licensing Program to issue a limited practice license to an applicant who is otherwise eligible for a medical license in California, but is unable to practice all aspects of medicine safely due to a disability.

The Board will hold an interested parties meeting on Wednesday, May 26, 2010, for anyone interested in discussing the proposed regulatory language with Board staff. Enclosed is a copy of the meeting notice, a copy of the proposed regulation and a matrix of the proposed language for sections 1315.5, 1315.53, and 1315.55. If you would like to comment on the proposed amendments, you are invited to join us at the Board's headquarters in Sacramento on May 26, 2010, in the Lake Tahoe Room, from 1:30 to 4:00 p.m., or you may submit written comments no later than May 26, 2010. We will incorporate relevant feedback into the proposed regulations, which the Board members will review at the July 30, 2010 Board meeting in Sacramento.

To ensure that we reserve sufficient space for all attendees, please respond if you are planning to attend the meeting. You may contact Lynn Sterba, Associate Analyst, directly at (916) 263-2377 or e-mail her at lynn.sterba@mbc.ca.gov. Unfortunately, the Board is unable to arrange for participation by teleconference.

If you have any questions concerning the meeting arrangements, please contact Ms. Sterba.

Sincerely,


Deborah Pellegrini, Chief
Licensing Program

Enclosures

Note: For those needing accommodations, there are several hotels within one mile of the Board's headquarters, including a Hilton Hotel on Harvard Street, a Doubletree and a Red Lion Inn on Arden Way, and a trio of Marriott's at Cal Expo.

Limited Practice Licenses
Draft Regulatory Proposal—5/6/2010

(1) Add Article 4.5 in Chapter 1 of Division 13 of Title 16, Cal.Code Regs, to read as follows:

1315.50. Requirement for Independent Clinical Evaluation

(a) This section applies both to applicants for an initial license and licensees who seek a limited practice license pursuant to Section 2441 of the code.

(b) An applicant for a limited practice license shall obtain and submit to the board with his or her application the report of an independent clinical evaluation that meets the requirements of this Article regarding the applicant's ability to practice medicine safely.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Sections 2088 and 2441, Business and Professions Code.

1315.53. Criteria for Reviewing Physician

The independent clinical evaluation shall be performed by a physician who specializes in the diagnosis and/or treatment of disabilities of the same nature as that of the applicant, who is familiar with the applicant's areas of medical practice, and who has no personal, professional, or social relationship with the applicant. The term "professional relationship" includes, but is not limited, to a current or previous physician-patient relationship with the applicant. The reviewing physician shall possess a current valid California license with no history of discipline.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Sections 2088 and 2441, Business and Professions Code.

1315.55. Required Contents of Report.

(a) A report submitted pursuant to this Article shall:

(1) Be on the reviewing physician's letterhead, dated, and signed under penalty of perjury, and shall contain the original signature of the reviewing physician.

(2) Include the applicant's name and the diagnosis or description of the applicant's disability.

(3) Describe the recommended limitations and how those limitations permit the applicant to practice medicine safely.

(4) Describe how the reviewer meets the criteria set forth in section 1315.53.

(5) Provide suggested intervals between evaluations, if the disability is a progressive disease.

(6) Indicate whether the evaluation included a review of the applicant's medical records related to the disability.

(7) Describe the current treatment protocol and the applicant's compliance with that treatment protocol, if appropriate for the type of disability.

(b) The evaluation shall have occurred not more than sixty (60) days from the date on which the application was filed with the board.

NOTE: Authority cited: Sections 2018, Business and Professions Code.
Reference: Sections 2088 and 2441, Business and Professions Code.