

MEDICAL BOARD OF CALIFORNIA  
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 1395 and AB 1396  
AUTHOR: Garcia  
BILL DATE: February 17, 2022, Introduced  
SUBJECT: Licensed Physicians and Dentists from Mexico Pilot  
Program: Requirements  
SPONSOR: AltaMed Health Corporation; San Benito Health  
Foundation; Clinicas de Salud del Valle de Salinas;  
Altura Centers for Health

DESCRIPTION OF CURRENT LEGISLATION

Requires the Medical Board of California (Board) to issue a license to practice medicine to Mexico Pilot Program (MPP) applicants without a social security number (SSN) or individual tax identification number (ITIN), as specified. Requires the Board to extend the expiration date for an MPP licensee, as specified.

This item involves the consideration of the above proposals which have been introduced into two similar bills (AB 1395 and AB 1396). Due to those similarities, these two bills are being discussed as a single agenda item.

BACKGROUND

[Business and Professions Code \(BPC\) section 853](#) authorizes the Board to issue up to 30 licenses to practice medicine to individuals participating in the MPP. Among other requirements, MPP participants must, prior to licensure complete the following:

- Pass a specified certification and interview examination
- Satisfactorily complete a six-month orientation program on medical protocols and managed care practices in California
- Satisfactorily complete an adult English-as-a-second-language course

MPP participants are issued a three-year, non-renewable license to practice medicine in an authorized facility. As required by statute, the Board contracted with the University of California (UC), Davis to conduct an evaluation of the MPP. The first UC Davis annual [evaluation report](#) was issued in August 2022. The Board's costs related to issuing MPP licenses, taking possible enforcement action against MPP licensees, and contracting with UC Davis are covered by nonprofit philanthropic entities donating to an MPP fund.

[BPC section 30](#) states that a licensing board shall require all applicants to provide either an ITIN or SSN when seeking an application for licensure. So far, 22 MPP licenses have been issued. Six of the remaining eight applicants have not yet provided an ITIN or SSN to the Board.

## ANALYSIS

There are two proposals presented by AB 1395 and AB 1396. The first would require the Board to issue an MPP license to those who are qualified for this program but may not receive their license due to their inability to obtain an ITIN or SSN. The second would require the Board to extend the three-year expiration date of an MPP license due to various circumstances that prevented the licensee from practicing medicine.

To facilitate the Board's deliberations on these related matters, these two bills are being discussed during the same agenda item.

### **AB 1395**

According to the author's fact sheet on AB 1395:

"The ITIN is issued by the Internal Revenue Service (IRS), and currently, there is a three to five-month wait. More importantly, an ITIN is only issued to immigrants who have worked in the United States. The remaining six doctors have met all the criteria to be issued a medical license. Still, they have never worked or resided in the U.S. Unless the doctor has dual citizenship or is a permanent resident alien, these doctors will not have a social security number."

This bill would require the Board to issue an MPP license to an applicant who is otherwise eligible for this license, except that they have been unable to provide the Board an ITIN or SSN, subject to the following conditions:

- The applicant shall immediately seek both an appropriate three-year visa and an SSN from the United States government within 14 days of being issued a license.
- The applicant shall immediately provide to the Board an SSN within 10 days of the federal government issuing their SSN.
- The applicant shall not engage in the practice of medicine until the Board determines that the above two conditions have been met.

After the Board confirms that the above conditions have been met, the Board shall notify the applicant that they may practice medicine pursuant to the MPP.

The sponsors believe this bill is necessary to meet federal requirements so that the MPP applicants can be provided with their MPP license before they obtain an SSN or ITIN. The bill contains an urgency clause which means it would take effect immediately upon signature of the Governor.

### **AB 1396**

AB 1396 includes the same language to require the issuance of an MPP to those without an ITIN or SSN and has additional language to require the Board to extend the expiration date of an MPP license under the following circumstances:

- During the timeframe in which a licensee is unable to treat patients and provide medical services for more than 30 days of work due to an ongoing condition, including, but not limited to, pregnancy, serious illness, credentialing by health plans, or serious injury that renders the licensee incapable of serving patients.
- During the timeframe in which a licensee is unable to work due to a delay in the visa application process beyond the established timeline by the United States Customs and Immigration Services.

To be eligible, the licensee must provide sufficient documentation to the Board demonstrating that they meet one of the above criteria. The language also authorizes the Board to, subject to an appropriation by the Legislature, expend MPP funds to address new costs incurred to monitor licensees who license was extended.

### Comments from Board Staff

#### **Proposal to Issue MPP Licenses Without an ITIN or SSN**

Staff do not have concerns with the proposal to issue an MPP license to those without an ITIN or SSN. Although this deviates from that normative practice, the circumstances surrounding the several impacted MPP applicants are unusual, and the proposal makes clear that they must supply their SSN to the Board before they may practice medicine.

#### **Proposal to Extend the Expiration Date of MPP Licenses**

The language does not make clear whether the criteria related to missing 30 days of work is intended to be 30 days in total or 30 consecutive days.

- Staff recommend this language be amended so that the licensee must have missed 30 consecutive business days.

The language does not specify what documentation is necessary for the Board to process these extension requests. Further, the language that indicates the conditions that qualify for an extension is potentially expansive. Therefore, staff recommend the language be clarified to state that the licensee will be eligible for an extension only if they missed 30 consecutive business and meet the following additional requirements:

- The licensee, or their partner (i.e., spouse, domestic partner, or other civil union) had a pregnancy that prevented the licensee from working; or
- The licensee was unable to begin work while waiting for their visa to be issued or be credentialed by health plans.
- In addition to the licensee, the clinic CEO where the licensee practices medicine must attest to the circumstances of the licensee's inability to work, and the number of consecutive business days of work missed.

The language does not specify how many extensions may be granted or for what length of time. This presents management challenges as the MPP has unique funding and oversight requirements, including the evaluation contract with UC Davis. Therefore, staff recommend amendments be included to specify the following:

- An eligible MPP licensee may only be granted one extension.
- Establish a deadline for the licensee to submit an extension and limit the length of the license extension to the number of days of work missed, not to exceed one year, to ensure the Board has sufficient resources and legislative authority to oversee the pilot program throughout the life of the licenses issued.
- Declare the intent of the Legislature that the Board have the required budgetary authority to receive and expend the MPP program funds necessary to meet these requirements.

#### Considerations of a Position

Staff do not have concerns with the proposal to issue an MPP license without an ITIN or SSN and recommend the Board adopt a Support position on this proposal.

Staff recommend the Board adopt a Support, if Amended position on the MPP license extension proposal, to include the amendments and resolve the concerns described above. According to the sponsor, this proposal may be included within the Board's sunset bill, SB 815 (Roth).

Staff intend to advocate for the positions adopted by the Board, regardless of the bill they are contained within. Staff have not yet developed specific language in-line with the suggested amendments; therefore, staff propose to continue collaboration with the sponsor and Legislature on the exact wording. Then, staff will report back to the Board at a future meeting on their progress and obtain Board approval on a Support position.

FISCAL: Minor and absorbable costs to the MPP fund associated with processing expiration extension requests for MPP licensees. Unknown costs to the MPP fund associated with potential changes to extend the contract with UC Davis to evaluate the MPP program.

SUPPORT: Grower-Shipper Association of Central California (for AB 1395).

OPPOSITION: None identified.

POSITION: Recommendation: See above.

ATTACHMENT: [AB 1395, Garcia – Licensed Physicians and Dentists from Mexico Pilot Program: Requirements.](#)  
Version: 2/17/23 – Introduced

[AB 1396, Garcia – Licensed Physicians and Dentists from Mexico  
Pilot Program: Requirements.](#)  
Version: 2/17/23 – Introduced