

MEDICAL BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 765
 AUTHOR: Wood
 BILL DATE: April 17, 2023, Introduced
 SUBJECT: Physicians and Surgeons
 SPONSOR: California Medical Association
 POSITION: Support

DESCRIPTION OF CURRENT LEGISLATION

Prevents anyone from using a medical specialty title or referring to themselves as an osteopathic medical doctor (DO) without meeting certain requirements, as specified. Makes related findings and declarations on the risks associated with confusing titles and credentials in the provision of health care.

AB 765 has not been amended since the prior meeting of the Medical Board of California (Board) and is not expected to move forward this year.

RECENT AMENDMENTS

Since the Board adopted a Support position during their March 23, 2023, meeting, the bill has been amended to allow the following persons to use the words and initials that related to that of “doctor,” as follows:

- Allow a licensed professional to use the word “doctor,” to the extent it is consistent with their practice act.
- Allow someone to use the word “doctor” or the prefix “Dr.” if use of the term is not associated with any claim of entitlement to practice medicine or any other professional service for which the use of the title is considered to be false advertising, pursuant to [Business and Professions Code \(BPC\) section 17500](#).

With respect to the prohibition on specialty titles (e.g., dermatologist, primary care physician, or other words that may imply they are a physician) protected by the bill, recent amendments do the following:

- Clarify that a licensed professional may make a truthful statement that they specialize in a certain service or field within their scope of practice if they avoid one of the named medical specialty titles in the bill.
- Allow a person to use the term “surgeon” if they are granted privileges to perform surgery in a health facility, as defined.

- Exempts those who hold a dental license or special permit from the Dental Board of California.
- Adds and removes some specific titles.

BACKGROUND

[Business and Professions Code \(BPC\) section 2054](#) states that it is unlawful for a person to use various titles related to physicians unless they have a valid license from the Board or meet other criteria, as specified.

ANALYSIS

According to the author:

“Health care consumers deserve to know what types of providers are delivering their care. Trust, transparency and honesty in licensure status, education and training is critical in promoting and protecting patient safety. Consumer protection is the highest priority of all boards, bureaus, and commissions within the California Department of Consumer Affairs. Health care consumers can be confused and misled about the differences between the qualifications and education of various types of health care providers.”

AB 765 adds titles related to osteopathic medical doctors to BPC section 2054, helping to ensure that consumers are not misled. The bill also makes illegal the use of various “physician-equivalent” titles (e.g., dermatologist, radiologist) or any other wording that would indicate or imply that a person is licensed to practice medicine, unless they possess a license to do so. As described in the Recent Amendments section above, the bill has been substantially amended to add certain exceptions to the proposed title restrictions.

This bill is expected to add clarity and certainty for consumers with regard to the use of titles that pertain to physicians, hopefully avoiding confusion about the qualifications of that provider.

FISCAL: Possible minor costs to the Board related to prosecuting violations of this law.

SUPPORT: American Academy of Dermatology Association
American College of Obstetricians and Gynecologists District IX
American Federation of State, County, and Municipal Employees
American Medical Association
American Society of Anesthesiologists
Association of Northern California Oncologists
California Academy of Eye Physicians and Surgeons
California Ambulatory Surgery Association
California Chapter, American College of Cardiology

California Chapter of the Amer. College of Emergency Physicians
California Orthopaedic Association
California Radiological Society
California Rheumatology Alliance
California Society of Anesthesiologists
California Society of Dermatology & Dermatologic Surgery
California Society of Plastic Surgeons
California State Association of Psychiatrists
Consumer Attorneys of California
Osteopathic Physicians and Surgeons of California

OPPOSITION:

American Association of Naturopathic Physicians
California Association of Nurse Anesthetists
California Naturopathic Doctors Association
California Nurses Association
California Optometric Association

ATTACHMENT:

[AB 765, Wood – Physicians and Surgeons.](#)
Version: 4/17/23 – Amended