

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: May 16, 2023  
 ATTENTION: Members, Medical Board of California  
 SUBJECT: New Legislative Proposal – Proposal to Allow a Physician and Surgeon Licensee Who Fails to Meet the Requirements of Business and Professions Code Section 2097 to Renew Their License  
 STAFF CONTACT: Aaron Bone, Chief of Legislation and Public Affairs

REQUESTED ACTION

To approve the proposed statutory proposal, as discussed below. If the Members of the Medical Board of California (Board) approve this request, staff will contact the Legislature and attempt to get the proposal included in a committee bill.

BACKGROUND

Among other provisions, [SB 806 of 2021](#) (the Board’s 2021 sunset bill) reduced the amount of Board-approved postgraduate training required to qualify for a physician’s and surgeon’s (P&S) license. For graduates of medical schools located in the United States or Canada, the amount was reduced from 36 to 12 months. For all other medical school graduates, the amount was reduced from 36 to 24 months.

In addition, [Business and Professions Code \(BPC\) section 2097](#) was added to the Medical Practice Act, which requires that a P&S licensee (if issued their license on or after January 1, 2022) show during their initial license renewal that they have obtained credit for 36 months of Board-approved postgraduate training. If that licensee does not show satisfactory evidence of the required training, then their license will be placed in a delinquent status, and they will be unable to continue practicing medicine.

A licensee in this situation will be required to obtain a license in another state so they may continue their training or later qualify for another pathway to licensure in California.

ANALYSIS

Board staff request that the Board authorize pursuit of a statutory change that will create a pathway for a P&S licensee who does not show 36 months of Board-approved postgraduate training to renew their license and continue practicing medicine in California. So far, staff are aware of several licensees in this situation, and it is possible that more may emerge in the future.

The proposed amends to BPC 2097 would do the following:

- Authorize these licensees to renew their P&S license if they remain enrolled in a California Board-approved postgraduate training program. If they disenroll from their program their license would be placed in delinquent status until they resume

training in a Board-approved training program or show evidence of completion of the required training.

- Update the existing language in this section to clarify that the Board may issue an initial license for 26 months (license renewals would continue to be for a 24-month period).

With Board approval, staff will finalize proposed language for consideration by the Legislature.