

MEDICAL BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 2164
AUTHOR: Berman
CHAPTER: Chaptered, #952
BILL DATE: April 16, 2024, Amended
SUBJECT: Physicians and Surgeons: Licensure Requirements:
Disclosure
SPONSOR: California Medical Association and Service
Employees International Union
POSITION: Support

DESCRIPTION OF CURRENT LEGISLATION

Prohibits the Medical Board of California (Board) from requiring an applicant for a Physician's and Surgeon's (P&S) license or a Postgraduate Training License (PTL) to self-disclose the following:

- A condition or disorder that does not impair the applicant's ability to practice medicine safely.
- A condition or disorder for which the applicant is receiving appropriate treatment and which, because of the treatment, does not impair the applicant's ability to practice medicine safely.

AB 2164 was not amended after the previous Board meeting.

IMPLEMENTATION TASKS

- Update the Board's various initial applications to include the [language approved by the Board](#) in the August 22-23, 2024, meeting (expected January 2025).
- Report in the Board's newsletter (expected to be published in January 2025).
- Publish a feature article in the Q1 2025 Board newsletter to encourage all licensees to answer the survey questions.

BACKGROUND

California, along with 26 other states, has been recognized by the [Dr. Lorna Breen Heroes' Foundation](#), a national organization dedicated to promoting physician wellbeing, for changing invasive and stigmatizing mental health questions in its license applications.

On July 30, 2024, a Board task force held an interested parties meeting to discuss and receive public comment regarding the introductory statement and impairment questions that currently appear on the Board's initial license applications. Please see Board Agenda Item 8 for more information on this matter.

On the Board's physician-related initial licensure applications (P&S, PTL and transition from PTL to P&S), applicants are asked three questions related to practice impairment or limitations.

Preceding those questions, each application states the following:

"An affirmative answer to any of the questions below will not automatically disqualify you from licensure. The Board will make an individualized assessment of the nature, the severity and the duration of the risks associated with an ongoing medical condition to determine whether an unrestricted license should be issued, whether conditions should be imposed, or whether you are eligible for licensure. Please note that a limited practice license may be available. Refer to the [Application Information for a Limited Practice License](#) for further information."

The current questions read, as follows:

- "Are you currently enrolled in, or participating in any drug, alcohol, or substance abuse recovery program or impaired practitioner program?"
- "Do you currently have any condition (including, but not limited to emotional, mental, neurological or other physical, addictive, or behavioral disorder) that impairs your ability to practice medicine safely?"
- "Do you currently have any other condition that impairs or limits your ability to practice medicine safely?"

The Board [approved updated questions and related application information](#) during their August 22-23, 2024, meeting.

[Business and Professions Code \(BPC\) section 2425](#) authorizes the Board to prepare and provide to physician licensees, either electronically or through the mail, a questionnaire at the time of license renewal that includes any necessary questions to establish that the physician currently has no disorder that would impair the physician's ability to practice medicine safely. The Board's current practice is to not ask such questions during the renewal process. That statute also requires the licensee to complete, sign, and return the questionnaire to the Board, as a condition of license renewal.

ANALYSIS

According to the author's fact sheet:

"AB 2164 would provide the MBC with clear direction about the scope of the questions it can ask as part of the application process. The bill would prohibit the MBC from requiring applicants to disclose any condition or disorder that does not

impair their ability to practice medicine safely, including those for which they are receiving appropriate treatment.”

According to the sponsors of the bill:

“Physicians, like everyone else, can experience stress, burnout and mental health challenges due to the demanding nature of their work. Resident physicians have twice the rate of suicide than the general population. Seeking mental health services can be crucial for maintaining balance, resilience, and overall well-being, benefiting both physicians and their patients. Removing the requirement to disclose their mental health services on physician and surgeon licensure applications alleviates concerns of repercussions and allows physicians to seek mental health services, to the benefit of both themselves and their patients.”

FISCAL: Minor, one-time expenses related to updating the application questions.

SUPPORT: California Orthopedic Association
California Radiological Society
San Francisco Marin Medical Society
University of California

OPPOSITION: None identified.

ATTACHMENT: [AB 2164, Berman – Physicians and Surgeons: Licensure Requirements: Disclosure.](#)
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