

MEDICAL BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: SB 1002
AUTHOR: Niello
BILL DATE: February 9, 2026, Introduced
SUBJECT: Out-of-State Physicians and Surgeons: Telehealth:
License Exemption
SPONSOR: California Senior Legislature

DESCRIPTION OF CURRENT LEGISLATION

Expands the existing exemption that allows certain out-of-state physicians to treat a California patient, via telehealth, who has a disease or condition that is immediately life-threatening without obtaining a California medical license. Under SB 1002, a patient could continue to see the same physician if their immediately life-threatening disease or condition is in remission.

SB 1002 is identical to SB 508 (Valladares), which the Medical Board of California (Board) opposed last year.

BACKGROUND

[Business and Professions Code \(BPC\) section 2051](#) authorizes the holder of a physician's and surgeon's (P&S) license to treat patients in this state. [BPC section 2052](#) states that it is a crime to treat the sick or afflicted in this state without a license from the Board or other appropriate state entity.

[BPC section 2060](#) authorizes an out-of-state physician to consult with a Board-licensed physician provided they do not have ultimate authority over the care or primary diagnosis of a patient located in California.

BPC sections [2135](#) and [2135.5](#) provide two pathways for out-of-state physicians to obtain a license to treat patients in this state.

[BPC section 2052.5](#) authorizes a California patient who has an immediately life-threatening disease or condition, as defined, to receive medical care via telehealth from a physician licensed in another state, without a California medical license, in good standing with no history of prior discipline, if they have medical expertise in the patient's illness. The Board opposed [AB 1369 \(Bauer-Kahan\), Chapter 837 of 2023 Statutes](#), which established this code section.

ANALYSIS

According to the author's fact sheet:

“Assembly Bill 1369 (Bauer-Kahan), also known as the David Hall Act, passed with bi-partisan support in 2023. AB 1369 allows for patients to access out-of-state care via telehealth for eligible patients. Under the David Hall Act, an eligible patient is someone with an immediate life-threatening diagnosis, meaning there is a reasonable likelihood that death will occur within a matter of months. An eligible patient must also have been denied participation in the clinical trial nearest to their home for the immediately life-threatening disease and have been provided written informed consent.

Care provided by an out-of-state provider can in some cases completely change an individual’s prognosis. [Patient name removed] had a terminal cancer diagnosis. After telehealth consultations with an oncology specialist in Texas, she made the journey out-of-state to receive treatment. This treatment saved her life, and [patient] no longer has a terminal diagnosis. However, with this incredible recovery, she can no longer correspond via telehealth with her out-of-state provider for follow up as she is no longer eligible under AB 1369.”

SB 1002 authorizes an individual who received care pursuant to BPC section 2052.5 to continue to receive care from the same out-of-state physician, even if their disease or condition is in remission.

Existing Options for Out-of-State Physicians to Treat or Consult with Californians

The requirement for licensure ensures that the Board is aware of those who treat patients in this state and can take disciplinary action against a physician who commits gross negligence, repeated negligent acts, or other unprofessional conduct when treating patients. Current law allows any eligible physician, regardless of their location, to obtain a license from the Board and be authorized to treat patients in this state, including via telehealth when appropriate.

Additionally, as indicated above, BPC section 2060 permits a Board licensee to consult with an out-of-state physician on the care and treatment of a patient in California provided the California-licensed physician retains primary diagnostic and treatment authority. This law supports patient access to experts in various fields of medicine throughout the world, while maintaining the Board’s jurisdiction over the license of the physician with the ultimate authority for the patient’s care or primary diagnosis.

Consideration of a Board Position

The author’s office wishes to collaborate with the Board to determine whether an agreement can be reached on legislation that would authorize a licensure exemption consistent with the goals of SB 1002 – possibly by limiting the exemption to physicians practicing in organizations that meet certain requirements. At the time that this analysis was published, Board staff did not have any suggestions for possible amendments.

If the Board has directions on possible amendments that would resolve or mitigate its concerns, Board staff request that the Board adopt a position appropriate to that direction (e.g., Support, if Amended or Oppose, Unless Amended).

As currently drafted, SB 1002 authorizes an expansion of existing law that conflicts with prior Board positions on this same topic. If the Board does not identify amendments that would address its concerns, then adopting a position of Oppose would be appropriate.

FISCAL: None identified.

SUPPORT: None identified.

OPPOSITION: None identified.

POSITION: Recommendation: Oppose (if appropriate amendments are not identified).

ATTACHMENT: [SB 1002, Niello. Out-of-State Physicians and Surgeons: Telehealth: License Exemption](#)
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