

MEDICAL BOARD OF CALIFORNIA  
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 1637  
AUTHOR: Caloza  
BILL DATE: January 26, 2025, Introduced  
SUBJECT: Physicians and Surgeons: Medical Records  
SPONSOR: Union of American Physicians and Dentists

DESCRIPTION OF CURRENT LEGISLATION

Adds a new law to the Medical Practice Act to state that a physician's medical document is the responsibility of that physician and that the physician's patient notes, after-visit summaries, and diagnosis and treatment plans shall not be changed by anyone other than the authoring physician.

BACKGROUND

[Business and Professions Code \(BPC\) section 2220.08](#) states that a medical consultant (as defined) retained by the Medical Board of California (Board) shall review a quality-of-care complaint and the relevant patient records (in addition to other pertinent facts and information) to determine whether it should be referred to the field for further investigation.

[BPC section 2266](#) requires a physician to maintain adequate and accurate medical records for at least seven years after the last date of service to their patient.

[Penal Code section 471.5](#) states that it is a misdemeanor for anyone with fraudulent intent to change a medical record, or create a false medical record, of any person.

Pursuant to [Civil Code section 56.101\(b\)\(1\)](#), an electronic health or medical records system shall protect and preserve the integrity of electronic medical information and record and preserve any change or deletion of electronically stored medical information.

ANALYSIS

A fact sheet from the author's office was not available prior to publishing this analysis.

AB 1637 does not provide for a penalty or an explicit enforcement mechanism. Therefore, if the Board receives a complaint about a possible violation that pertains to an individual or entity outside the Board's jurisdiction, the Board will attempt to refer the complaint to the appropriate regulator or law enforcement agency.

### **Consideration of a Board Position**

The integrity of medical records is vital to patient care and the Board's enforcement functions. Accordingly, staff recommend the Board adopt a position of Support on AB 1637.

FISCAL: None expected.

SUPPORT: None identified.

OPPOSITION: None identified.

POSITION: Recommendation: Support

ATTACHMENT: [AB 1637, Caloza. Physicians and Surgeons: Medical Records.](#)  
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