MEDICAL BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER:	SB 849
AUTHOR:	Weber Pierson
CHAPTER:	Chaptered, #654
BILL DATE:	June 24, 2026, Amended
SUBJECT:	Physicians and Surgeons: Sexual Misconduct and Offenses: Reinstatement of Surrendered Certificate
SPONSOR:	Author
POSITION:	Support, if Amended

DESCRIPTION OF CURRENT LEGISLATION

Prohibits the Medical Board of California (Board) from reinstating the license of someone who surrendered their license while a Board accusation was pending against their license that alleges that they committed an act of sexual abuse, misconduct, or relations with a patient, as specified.

SB 849 has not been amended since the Medical Board of California (Board) adopted a position of Support.

IMPLEMENTATION TASKS

- Report in the Board's newsletter (expected to be published by December 2026).
- Update procedures related to reviewing petitions for license reinstatement, as needed.
- Pursue the Board's requested amendments to SB 849 in the Board's 2027 Sunset Review. See Agenda Item 13 – Section 10, New Issues for more information.

BACKGROUND

BPC section 726 states that any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct. BPC section 729 states that sexual exploitation by a physician, among other professionals, is a public offense and prescribes various penalties for those who violate this statute.

BPC section 2246 states that any decision proposed to, or adopted by, the Board that includes a finding that a licensee engaged in multiple or repeated acts of sexual exploitation with a patient (as described in paragraphs 3, 4, and 5 of BPC section 729(a)) shall revoke the license in question, and the revocation shall not be stayed by the administrative law judge.

BPC section 2232.5 generally states that the Board shall automatically suspend a license after the licensee in question has been criminally convicted of various felonies, including specified sexual offenses. After such a conviction has become final, the Board shall automatically revoke the license. Pursuant to BPC section 2224, the Board has delegated authority to the Executive Director to adopt a decision that automatically revokes a license.

BPC section 2307 states that an individual whose license was surrendered or revoked by the Board for unprofessional conduct generally must wait five years from the effective date of the order before they may petition the Board for reinstatement. This section was amended by AB 1636 (Weber, Chapter 453, Statutes of 2022), to prohibit the Board from granting a reinstatement petition for someone who meets any of the following criteria:

- Their license was surrendered or revoked because they committed an act of sexual misconduct with a patient, pursuant to BPC section 726 or sexual exploitation as defined in subdivision (a) of BPC section 729.

- They were convicted in a court (including those outside California) for sexual crimes described in subdivision (c) of Penal Code (PC) section 290 against a current or former patient or client (if the provider relationship was terminated primarily for the purpose of committing the offense).

- They have been required to register as a sex offender pursuant to PC section 290 if the offense was against a current or former patient or client (if the provider relationship was terminated primarily for the purpose of committing the offense).

ANALYSIS

According to the author's fact sheet:

> "Patients place extraordinary trust in their physicians, and patient safety must always be the foremost priority in medical practice. The physician-patient relationship involves significant vulnerability and relies on ethical judgment and integrity. When serious misconduct occurs, it calls into question a physician's ability to safely care for patients.
>
> In 2022, AB 1636 (Weber) removed the Medical Board's discretion to reinstate a physician or surgeon who lost their license due to sexual misconduct with a patient.
>
> AB 1636 went into effect in 2023. A few years prior to the implementation of that measure, the Legislature spoke out against sexual abuse of all forms and granted victims additional rights and protections, including extending the statute of limitations for sexual assault claims and prohibiting nondisclosure agreements in settlement agreements related to workplace sexual harassment.

> This bill extends the victim protections implemented by AB 1636 by retroactively applying those protections to [January 1, 2020] a time frame when the State and Legislature became more forceful in their discipline of sexual harassment and misconduct.
>
> A medical license is a privilege and not a right and this bill ensures that the responsibilities and honor attached to that privilege are maintained."

The language of concern that would have subjected the Board to litigation related to revoking the license of someone previously reinstated was removed. This was a Board requested amendment.

As currently drafted, SB 849 prohibits the Board from granting a petition for reinstatement to someone who surrendered their license while a Board accusation was pending against their license that alleges that they committed sexual misconduct against a patient pursuant to Section 726 or sexual exploitation as defined in subdivision (a) of Section 729. This was a Board requested amendment.

FISCAL: No fiscal impact anticipated. The costs associated with the proposed amendments have not been determined.

SUPPORT: American College of Obstetricians and Gynecologists (District IX)
California Medical Association
National Women's Defense League

OPPOSITION: None identified.

ATTACHMENT: SB 849, Weber Pierson. Physicians and Surgeons: Sexual Misconduct and Offenses: Reinstatement of Surrendered Certificate.
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