

MEDICAL BOARD OF CALIFORNIA  
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 2273  
AUTHOR: Bloom  
BILL DATE: August 11, 2020, Amended  
SUBJECT: Physicians and Surgeons: Foreign Medical  
Graduates: Special Faculty Permits  
SPONSOR: Cedars-Sinai  
POSITION: Oppose

DESCRIPTION OF CURRENT LEGISLATION:

This bill would allow qualified individuals to obtain a special permit, via existing Medical Board of California (Board) programs currently only available to medical schools, to practice medicine in an academic medical center (AMC), as defined.

RECENT AMENDMENTS:

AB 2273 was amended after the May 2020 meeting of the Medical Board of California (Board), as follows:

- Adds new criteria that defines an AMC for purposes of qualifying for the Special Faculty Permit (SFP) program
- Deletes the requirement that the Board approve AMCs
- Allows qualified individuals sponsored by an AMC to apply for other special permit programs administered the Board
- Adds a representative from each AMC to the SFP review committee
- Mirrors other requirements currently in place for SFP holders practicing in a medical school

BACKGROUND:

Existing law, the Medical Practice Act (Act), prohibits the practice of medicine without a physician's and surgeon's certificate issued by the Board. Under the Act, an eligible person may be granted a license to practice medicine in an approved medical school, pursuant to one of the Board's four special permit programs. Three of these programs are available to individuals who will practice in approved medical schools and one for approved hospitals. In total, the Board currently has 159 physicians registered through these programs, with 23 pending applications.

The Act establishes a committee to review applicants for the SFP program. Upon recommendation of the committee, the Board will consider approving these applicants.

## ANALYSIS:

According to the author, "AB 2273 allows nationally recognized independent academic medical centers to sponsor outstanding foreign trained academic physicians for special licensure in the state. [...] This legislation will make it more likely that these few, but important, independent medical centers can continue to excel in their multiple missions by attracting the very best physicians in the world."

According to Cedars-Sinai, they gain access to the Board's special programs through an agreement with the University of California, Los Angeles (UCLA) medical school. By working through UCLA to submit an application, Cedars-Sinai indicates that the timeframe to obtain permit approval may be delayed by up to 12 months.

According to their representatives, Cedars-Sinai has several physicians practicing pursuant to the Board's special permit programs. As governed by the parameters of these programs, each physician has a variety of roles, including acting as full- or part-time faculty, conducting research, and providing clinical work and patient care.

This bill allows Cedars-Sinai (and other AMCs that meet the defined criteria) to submit special permit applicants for approval directly to the Board. According to the author's office, the Zuckerberg San Francisco General Hospital and Trauma Center and the Loma Linda University Medical Center also meet the proposed AMC criteria described below.

### **Defining AMCs**

As currently drafted, AB 2273 would define an AMC as a facility that meets all the following criteria:

- A minimum 750-bed facility licensed by the State of California
- The facility conducts both internal and external peer review of the faculty for the purpose of conferral of academic appointments on an ongoing basis of clinical and basic research for the purpose of advancing patient care.
- The facility trains a minimum of 250 residents and postdoctoral fellows on an annual basis commencing each January 1.
- The facility has more than 100 research students and postdoctoral researchers annually
- Has foreign medical graduates in clinical research
- Offers clinical observership training.

### *Amendment Requested by Senator Richard Pan, MD*

During the Saturday, August 8 meeting of the Senate Business, Professions, and Economic Development Committee, Senator Pan suggested that the AMC criteria be amended to require AMCs to have a formal affiliation agreement with an accredited

medical school. Senator Pan believes this requirement would help ensure that the appropriate facilities are granted access to these special permit programs.

Representatives of Cedars-Sinai object to adding this requirement, arguing that the current parameters provide sufficient safeguards. Further, they state this requirement may place their special permit holders at risk if such an agreement was canceled later.

### **Access to Special Permit Programs**

AB 2273 grants AMCs access to the same special permit programs available to approved medical schools. These programs generally allow physicians who do not qualify for licensure to obtain a permit to practice medicine in the context of their role at a medical school.

### **SFP Review Committee Role and Membership**

Currently, this committee is composed of two Board members and a representative from each approved medical school in California. The committee reviews and makes recommendations to the Board regarding SFP applicants. This bill would add a representative from each AMC to the committee.

### **Language Pertaining to Legacy Special Program Permit Holders**

The bill states that special program permit holders approved before January 1, 2021 who participate in the professional activities of an AMC shall be deemed to be appointed to that AMC even if the application was sponsored by another organization.

This language appears to provide clarity that AMC special program permit holders who applied through an arrangement with a medical school are valid and would be considered an AMC applicant.

### **Updated Board Processes**

Absent a significant increase in special permit program applications, the costs associated with the bill are minor and absorbable. The Board would be required to conduct a rulemaking to update its regulations and update its application forms to accommodate applicants sponsored by an AMC. Similarly, the Board would have to update its processes to add a representative of each AMC to the SFP review committee.

### **Items for Board Consideration**

The Board issued an oppose letter to the author following the May meeting, citing its lack of authority and expertise to approve AMCs (as required in the language at the time), which would have added new costs to the Board. Further, the letter expressed

concern that the bill did not require AMCs to assume direct responsibility for the SFP holder.

The recent amendments address those concerns as the Board would no longer be required to approve AMCs (rather the Board would simply have to verify that AMCs meet the criteria proposed in the bill) and AMCs must accept responsibility for their SFP holders.

The Board's letter also noted that the bill does not add a representative from AMCs to the committee that reviews and makes recommendations to the Board on SFP applications, but did not express concerns on that issue. The recent amendments add representatives of AMCs to that committee.

When deciding their position on the bill, the Board may wish to consider the following:

1. Whether the amendments taken following the May Board meeting address the concern that led to the Oppose position.
2. Whether the proposed AMC criteria is appropriate and will help ensure that eligible facilities are adequate to protect consumers and assume direct responsibility for SFP holders.
3. Whether the Board agrees it is appropriate to grant AMCs access to the other special permit programs available to medical schools.

FISCAL: Absent a significant increase to the volume of special permit applicants, the costs to the Board would be minor and absorbable.

SUPPORT: Cedars-Sinai (Sponsor)  
University of California

OPPOSITION: Medical Board of California

ATTACHMENT: [AB 2273, Bloom. Subject Approvals and certificates of registration: special faculty permits.](#)  
Version: 8/11/20 – Amended Senate