

MEDICAL BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: SB 1474
AUTHOR: Committee on Business, Professions, and Economic
Development
BILL DATE: August 10, 2020, Amended
SUBJECT: Business and Professions
SPONSOR: Author

DESCRIPTION OF CURRENT LEGISLATION:

This is an “omnibus” bill that includes legislative proposals submitted by various boards with the Department of Consumer Affairs (DCA), including the Medical Board of California (Board). The bill will also extend the sunset date of certain boards and bureaus due to expire in 2020 and 2021.

SB 1474 would also prohibit any licensee regulated by a DCA board from including in a contract or proposed contract a provision that limits a consumer’s ability to initiate, or participate in, a board investigation of that licensee.

BACKGROUND:

Existing law establishes DCA and various boards and bureaus that license and regulate certain professionals authorized to practice in this state.

The Medical Practice Act (Act), per Business and Professions Code (BPC) section 2220.7, prohibits a physician and surgeon from including a provision within an agreement to settle a civil dispute that limits another party from contacting or cooperating with the Board or filing a complaint with the Board.

ANALYSIS:

Omnibus bills are generally introduced each year and provide DCA boards the opportunity to implement minor or technical changes to the statutes that govern their programs and operations.

This bill contains the follow provisions that are relevant to the Board.

Amendments to the BPC Requested by the Board

This bill includes the following proposals approved by the Board during their November 2019 meeting:

1. Amend BPC section 125.9 to state that a DCA licensee may be subject to discipline for failure to pay a fine or comply with an order of abatement, or both, within 30 days of the date of assessment or order.
2. Amend BPC section 2065(h) to remove unnecessary language related to postgraduate training obtained in another state or Canada.
3. Amend BPC section 2113(e) to replace language mistakenly removed that allows the Board to accept a clinical practice appointment, in lieu of postgraduate training, to qualify for licensure.
4. Amend BPC section 2135.5 to clarify that an applicant for a California license who holds a physician and surgeon's license issued in another state or Canada may qualify if they meet the recently added 36-month postgraduate training requirement, as specified.

As the above provisions are included at the request of the Board, the Board effectively has a Support position on these proposals.

Restrictions on Consumer Complaints or Involvement with Investigations

The bill also prohibits a contract or proposed contract for consumer services with those regulated by a licensing board from including a prohibition that limits a consumer from filing a complaint with, or participating in an investigation of, that provider's licensing board.

This section defines "consumer services" as any service obtained for use primarily for personal, family, or household purposes. A violation of this section would constitute unprofessional conduct and subject the licensee to discipline.

The Act applies a similar prohibition to physicians and surgeons, but only in the context of a settlement agreement related to a civil dispute arising from their practice. This proposal would ban these restrictions from any contract or proposed contract for services for any professional regulated by a licensing board (including the various allied health professionals regulated by the Board).

FISCAL: None

SUPPORT: None

OPPOSITION: None on File

POSITION: Recommendation: Support for the provisions described above that are relevant to the Board.

ATTACHMENT: [SB 1474, as amended, Committee on Business, Professions, and Economic Development. Business and Professions.](#)
Version: 08/10/20 – Amended Assembly