



# MEDICAL BOARD OF CALIFORNIA

Protecting consumers by advancing high quality, safe medical care.

## Executive Office

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Gavin Newsom, Governor, State of California | Business, Consumer Services and Housing Agency | Department of Consumer Affairs

June 2, 2022

The Honorable Akilah Weber, M.D.  
California State Assembly  
1021 O Street, Room 4130  
Sacramento, CA 95814

### **Re: AB 1636 (Weber) – Support, if Amended Position**

Dear Assemblymember Weber:

During their meeting on May 19-20, 2022, the Medical Board of California (Board) updated their position of Support, if Amended on AB 1636, which is intended to protect consumers from those who have engaged in unprofessional sexual misconduct or committed sexual-based criminal offenses.

The Board supports the goal of the bill and appreciates that recent amendments address certain concerns raised in our prior position letter. The Board asks that you make further amendments to strengthen the bill to help ensure that consumers are adequately protected from those who have committed egregious sexual criminal and professional misconduct.

As currently drafted, the restrictions on licensure reinstatement and application denials do not apply to those who have engaged in sexual criminal or professional misconduct against a colleague, employee, family member, or others who have never been the offender's patient/client. Offenses against these victims also represent a serious breach of a current, or aspiring, physician's ethical obligations and display a critical lack of judgment.

The Board agrees that physicians who are guilty of sexual crimes, as included in section 2 of AB 1636, should be automatically revoked and, further, that this behavior should disqualify them from both applying for an initial license and from seeking reinstatement of a revoked license. Closing this gap in the bill will protect consumers from the individuals who have committed sexual offenses, regardless of their relationship to the victim.

Further, if an individual is accused by the Board of sexual misconduct and subsequently surrenders their license without admitting to the charges, they could be eligible to seek reinstatement of their medical license. Typically, the Board will accept a surrendered license as it generally does not impact a possible future decision on a reinstatement petition.

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Under AB 1636, as currently drafted, to secure a permanent revocation, the Board may be forced to go through the administrative hearing process at increased financial cost, delay, and risk of key witnesses being unavailable to prove the Board's case.

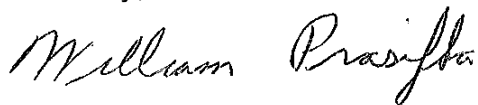
Due to these concerns, the Board requests the following amendments:

- Clarify that a license surrender with a pending accusation that includes charges for violating BPC 726 or BPC 729 (a) disqualifies that individual from having their license reinstated.
- Clarify that the restrictions on reinstatement petitions apply to surrenders and revocations that are effective on or after the effective date of the amendment to statute.
- Require the Board to deny an application for licensure or a petition for reinstatement to someone who has committed an offense described in BPC section 2232 (section 2 of the bill, as currently drafted).

Thank you for your consideration of these requested amendments that, we believe, will help AB 1636 achieve its intended goal.

Please contact Aaron Bone, Chief of Legislation and Public Affairs, at (916) 274-6251 or via email at [Aaron.Bone@mbc.ca.gov](mailto:Aaron.Bone@mbc.ca.gov) if you have any questions.

Sincerely,



William Prasifka  
Executive Director

cc: Members, Senate Committee on Business, Professions and Economic Development  
Sarah Mason, Senate Committee on Business, Professions and Economic Development  
Kayla Williams, Senate Republican Caucus