

**State of California
Office of Administrative Law**

In re:
Medical Board of California

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections: 1378.5, 1379.4

Amend sections: 1355.4, 1379.58

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2022-1013-05

OAL Matter Type: Regular (S)

This action requires medical doctors, research psychoanalyst registrants, licensed midwives, and polysomnography registrants to provide notice that they are licensed and regulated by the Medical Board, and that patients can check on their license and file a complaint to the Board.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2023.

Date: November 28, 2022



**Ashita Mohandas
Attorney**

**For: Kenneth J. Pogue
Director**

**Original: Kimberly Kirchmeyer, Executive
Director**

Copy: Kerrie Webb

REGULAR

For use by Secretary of State only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

NOV 28 2022

received at 1:49pm

OAL FILE NUMBERS	NOTICE FILE NUMBER Z- 2021-1102-08	REGULATORY ACTION NUMBER 2022-1013-055	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Medical Board of California			AGENCY FILE NUMBER (if any)

OFFICE OF ADMIN. LAW
2022 OCT 13 PM5:07**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2021, 462	PUBLICATION DATE 11/12/2021	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Notice to Consumers	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 1378.5 and 1379.4
	AMEND 1355.4 and 1379.58
TITLE(S) 16	REPEAL
3. TYPE OF FILING	
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
	<input type="checkbox"/> File & Print <input type="checkbox"/> Print Only
	<input type="checkbox"/> Other (Specify) _____
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) June 27, 2022 - July 15, 2022	
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____	
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input checked="" type="checkbox"/> Other (Specify) Kimberly Kirchmeyer, Director, Department of Consumer Affairs <i>Kimberly Kirchmeyer</i>	
7. CONTACT PERSON Kerrie Webb	TELEPHONE NUMBER (916) 263-2389
FAX NUMBER (Optional) (916) 263-2367	E-MAIL ADDRESS (Optional) kerrie.webb@mbc.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

William Prasifka

DATE

09/30/2022

TYPED NAME AND TITLE OF SIGNATORY

William Prasifka, Executive Director, Medical Board of California

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

NOV 28 2022

Office of Administrative Law

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16 - MEDICAL BOARD OF CALIFORNIA
NOTICE TO CONSUMERS
ORDER OF ADOPTION

§ 1355.4. Notice to Consumers.

(a) A medical doctor licensee engaged in the practice of medicine shall provide notice to each patient of the fact that the licensee is licensed and regulated by the board, and the license can be checked and complaints against the licensee can be made through the board's website or by contacting the board. The notice shall include a quick response (QR) code that leads to the board's Notice to Consumer webpage at <https://www.mbc.ca.gov/licensing/Notice-to-Consumers.aspx>, and shall contain the following statement and information:

NOTICE TO PATIENTS

Medical doctors are licensed and regulated
by the Medical Board of California.

To check up on a license or
to file a complaint go to

(800) 633-2322

www.mbc.ca.gov,

email: licensecheck@mbc.ca.gov,

or call (800) 633-2322.

(b) The notice required by this section shall be provided by one of the following methods:

(1) Prominently posting the notice in an area visible to patients on the premises where the licensee provides the licensed services, in which case the notice shall be in at least 4838-point type in Arial font.

(2) Including the notice and an acknowledgement of receipt and understanding in a written statement in a language understood by the patient or patient representative, signed and dated by the patient or the patient's representative and retained in that patient's medical records, stating the patient understands the physician is licensed and regulated by the board. The notice and acknowledgement of receipt and understanding may be provided and maintained in an electronic format.

(3) Including the notice in a language understood by the patient or patient representative in a statement on letterhead, discharge instructions, or other document given to a patient or the patient's representative, where the notice is placed immediately above the signature line for the patient in at least 14-point type.

(c) If the licensee chooses to post a sign to comply with this section and the sign is not posted in a language understood by the patient or patient representative, the licensee shall also provide the notice as described in subdivisions (b)(2) or (b)(3) of this section, if the notice and templates for acknowledgement of receipt and understanding are provided by the board pursuant to subdivision (d) of this section in a language understood by the patient or patient representative.

(d) Templates for the notice and acknowledgement of receipt and understanding shall be provided on the Medical Board of California website in the 12 most common non-English languages that are spoken in California: Spanish, Chinese, Vietnamese, Tagalog, Korean, Armenian, Farsi, Arabic, Russian, Japanese, Punjabi, and Khmer.

(e) Notwithstanding subdivision (c), a licensee shall be deemed to be in compliance with this section if the hospital, clinic, or other practice location where the licensee is practicing posts the notice on its premises in an area visible to patients consistent with the requirements of this section.

Note: Authority cited: Sections 2018 and 2026, Business and Professions Code.
Reference: Sections 138 and 2026, Business and Professions Code.

§ 1378.5. Notice to Consumers.

(a) A research psychoanalyst registrant shall provide notice to each patient of the fact that the registrant is registered and regulated by the board, and the registration can be checked and complaints against the registrant can be made through the board's website or by contacting the board. The notice shall include a quick response (QR) code that leads to the board's Notice to Consumer webpage at <https://www.mbc.ca.gov/licensing/Notice-to-Consumers.aspx>, and shall contain the following statement and information:

NOTICE TO PATIENTS
Research psychoanalysts are registered and regulated
by the Medical Board of California.
To check up on a registration or
to file a complaint go to
www.mbc.ca.gov,
email: licensecheck@mbc.ca.gov,
or call (800) 633-2322.

(b) The notice required by this section shall be provided by one of the following methods:

(1) Prominently posting the notice in an area visible to patients on the premises where the registrant provides services as a research psychoanalyst, in which case the notice shall be in at least 38-point type in Arial font.

(2) Including the notice and an acknowledgement of receipt and understanding in a written statement in a language understood by the patient or patient representative, signed and dated by the patient or the patient representative and retained in that patient's medical records. The notice and acknowledgement of receipt and understanding may be provided and maintained in an electronic format.

(3) Including the notice in a language understood by the patient or patient representative in a statement on letterhead, patient instructions, or other document given to a patient or the patient representative, where the notice is placed immediately above the signature line for the patient in at least 14-point type.

(c) If the registrant chooses to post a sign to comply with this section and the sign is not posted in a language understood by the patient or patient representative, the registrant shall also provide the notice as described in subdivisions (b)(2) or (b)(3) of this section, if the notice and templates for acknowledgement of receipt and understanding are provided by the board pursuant to subdivision (d) of this section in a language understood by the patient or patient representative.

(d) Templates for the notice and acknowledgement of receipt and understanding shall be provided on the Medical Board of California website in the 12 most common non-English languages that are spoken in California: Spanish, Chinese, Vietnamese, Tagalog, Korean, Armenian, Farsi, Arabic, Russian, Japanese, Punjabi, and Khmer.

(e) Notwithstanding subdivision (c), a registrant shall be deemed to be in compliance with this section if the hospital, clinic, or other practice location where the registrant is practicing posts the notice on its premises in an area visible to patients consistent with the requirements of this section.

Note: Authority cited: Sections 2018 and 2026, Business and Professions Code.
Reference: Sections 138 and 2026, Business and Professions Code.

§ 1379.4. Notice to Consumers.

(a) A licensed midwife shall provide notice to each client of the fact that the licensee is licensed and regulated by the board, and the license can be checked and complaints against the licensee can be made through the board's website or by contacting the

board. The notice shall include a quick response (QR) code that leads to the board's Notice to Consumer webpage at <https://www.mbc.ca.gov/licensing/Notice-to-Consumers.aspx>, and shall contain the following statement and information:

NOTICE TO CLIENTS
Licensed midwives are licensed and regulated by the Medical Board of California. To check up on a license or to file a complaint go to www.mbc.ca.gov, email: licensecheck@mbc.ca.gov, or call (800) 633-2322.

(b) The notice required by this section shall be provided by one of the following methods:

(1) Prominently posting the notice in an area visible to clients on the premises where the licensee provides the licensed services, in which case the notice shall be in at least 38-point type in Arial font.

(2) Including the notice and an acknowledgement of receipt and understanding in a written statement in a language understood by the client or client representative, signed and dated by the client or the client representative and retained in that client's medical records. The notice and acknowledgement of receipt and understanding may be provided and maintained in an electronic format.

(3) Including the notice in a language understood by the client or client representative in a statement on letterhead, client instructions, or other document given to a client or the client representative, where the notice is placed immediately above the signature line for the client in at least 14-point type.

(c) If the licensee chooses to post a sign to comply with this section and the sign is not posted in a language understood by the client or client representative, the licensee shall also provide the notice as described in subdivisions (b)(2) or (b)(3) of this section, if the notice and templates for acknowledgement of receipt and understanding are provided by the board pursuant to subdivision (d) of this section in a language understood by the client or client representative.

(d) Templates for the notice and acknowledgement of receipt and understanding shall be provided on the Medical Board of California website in the 12 most common non-English languages that are spoken in California: Spanish, Chinese, Vietnamese, Tagalog, Korean, Armenian, Farsi, Arabic, Russian, Japanese, Punjabi, and Khmer.

(e) Notwithstanding subdivision (c), a licensee shall be deemed to be in compliance with this section if the hospital, clinic, or other practice location where the licensee is practicing posts the notice on its premises in an area visible to clients consistent with the requirements of this section.

Note: Authority cited: Sections 2018 and 2026, Business and Professions Code.
Reference: Sections 138, 2026, and 2508, Business and Professions Code.

§ 1379.58. Notice to Consumers.

(a) A polysomnography registrant shall provide notice to each patient of the fact that the registrant ~~person~~ is registered and regulated by the board, and the registration can be checked and complaints against the registrant can be made through the board's website or by contacting the board. The notice shall include a quick response (QR) code that leads to the board's Notice to Consumer webpage at <https://www.mbc.ca.gov/licensing/Notice-to-Consumers.aspx>, and shall contain the following statement and information:

~~NOTICE TO PATIENTS CONSUMERS~~
Medical doctors and polysomnographic
technologists, technicians, and trainees
are licensed, registered, and regulated by
the Medical Board of California.
To check up on a license or registration or
to file a complaint go to
(800) 633-2322
www.mbc.ca.gov,
email: licensecheck@mbc.ca.gov,
or call (800) 633-2322.

(b) The notice required by this section shall be provided by one of the following methods:

(1) Prominently posting the notice in an area visible to patients on the premises where the registrant provides the services for which registration is required, in which case the notice shall be in at least ~~48~~38-point type in Arial font.

(2) Including the notice and an acknowledgement of receipt and understanding in a written statement in a language understood by the patient or patient representative, signed and dated by the patient or the patient's representative and retained in that patient's medical records, stating the patient understands the polysomnographic registrant is registered and regulated by the board. The notice and acknowledgement of receipt and understanding may be provided and maintained in an electronic format.

(3) Including the notice in a language understood by the patient or patient representative, in a statement on letterhead, discharge instructions, or other document given to a patient or the patient's representative, where the notice is placed immediately above the signature line for the patient in at least 14-point type.

(c) If the registrant chooses to post a sign to comply with this section and the sign is not posted in a language understood by the patient or patient representative, the registrant shall also provide the notice as described in subdivisions (b)(2) or (b)(3) of this section, if the notice and templates for acknowledgement of receipt and understanding are provided by the board pursuant to subdivision (d) of this section in a language understood by the patient or patient representative.

(d) Templates for the notice and acknowledgement of receipt and understanding shall be provided on the Medical Board of California website in the 12 most common non-English languages that are spoken in California per the California: Spanish, Chinese, Vietnamese, Tagalog, Korean, Armenian, Farsi, Arabic, Russian, Japanese, Punjabi, and Khmer.

(e) Notwithstanding subdivision (c), a registrant shall be deemed to be in compliance with this section if the hospital, clinic, or other practice location where the registrant is practicing posts the notice on its premises in an area visible to patients consistent with the requirements of this section.

Note: Authority cited: Sections ~~138~~ and 2018 and 2026, Business and Professions Code; Reference: Sections 138 and 2026, Business and Professions Code.