

## MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: November 20, 2023  
 ATTENTION: Members, Medical Board of California  
 SUBJECT: New Legislative Proposal – Posting Notice on the Board’s Website of Fines and Civil Penalties Imposed by the Board  
 STAFF CONTACT: Aaron Bone, Chief of Legislation and Public Affairs

REQUESTED ACTION

To approve a statutory proposal to require the Medical Board of California (Board) to post orders imposing fines and monetary civil penalties on its website, as discussed below. If the Board approves this request, then staff will continue to develop language and contact the Legislature to seek its inclusion in a committee bill.

BACKGROUND

Under current law, the Board is authorized to issue fines and civil penalties for certain violations against individuals who may or may not be licensees of the Board. For example, under [Business and Professions Code \(BPC\) section 805\(k\)](#), a willful failure to file an 805 report by any person who is required to file one is punishable by a fine not to exceed \$100,000 per violation. Moreover, under [BPC section 805\(l\)](#), except as otherwise provided in subdivision (k), any failure to file an 805 report by a person who is required to file one is punishable by a fine not to exceed \$50,000 per violation.

Similarly, the Board is authorized to issue a fine against a person for a failure to file a report with the Board that is required to be filed under [BPC section 805.01\(g\) and \(h\)](#) or under [BPC section 805.8\(d\) and \(e\)](#).

Further, under [BPC section 2225.5\(a\)\(1\) and \(2\)](#), licensees and healthcare facilities who fail to comply with a request for certified medical records of a patient accompanied by that patient’s written authorization for release of records to the Board within 15 to 30 days, respectively, are subject to civil penalties of up to \$1,000 a day for each day that the documents have not been produced after the deadline without good cause, up to \$10,000.

Although an order imposing a fine or civil penalties is a public document, the Board is not currently authorized to post such an order on a licensee’s profile under [BPC section 2027](#), and they are not accessible through the Board’s website.

Depending upon the facts and circumstances, each order may include multiple respondents. The Board filed 5 orders for civil penalties in Fiscal Year (FY) 2021-2022 (one such order had two respondents – one licensee and one non-licensee, and all others had one licensee respondent). In FY 2022-2023, the Board filed 7 such orders, with each having one licensee respondent). These orders may still be within their appeal period and, therefore, not yet final.

ANALYSIS

Failure to file required reports with the Board or to provide medical records to the Board when required are serious violations that impede the Board's ability to further its mission of consumer protection.

To encourage licensees and healthcare facilities to comply with the law, as well as to further transparency and accessibility for the public to orders imposing fines and civil penalties, staff recommend that the Board direct staff to develop statutory language to require that the Board post orders for civil penalties involving monetary penalties imposed on or after the effective date of a new law to the Board's website. For licensees, staff propose that these orders be posted to the relevant individual's profile page. For non-licensees, staff recommend the orders imposing fines or civil penalties be available through the Enforcement Public Document Search function or other webpage developed by the Board