

LEGISLATIVE PROPOSALS 2012

Previously Approved Proposal

UCLA International Medical Graduate Program Pilot Project

This is the program co-founded by Dr. Dowling and Dr. Bholat - This issue was brought to the Board at the last meeting and the Board voted to co-sponsor this legislation with the University of California. As you know, it was brought to the Board's attention that legislation for this program is needed to allow the program's participants to obtain clinical experience; this would require a statute change and this could be accomplished by making UCLA's IMG program a pilot project. The Board approved this concept and agreed to be a co-sponsor, along with the University of California (UC), if all the details and parameters are developed. Board staff has been working with the University of California, Office of the President, and we will be meeting with them on this proposal in early November. Co-sponsoring this legislation with the UC looks promising at this point in time.

New Proposals

Non-Practice License Status – Authority to Impose Discipline

The Medical Board recently lost a court of appeal case related to taking disciplinary action against a licensee that held a retired license. The respondent's attorney alleged the Board lacked jurisdiction to impose discipline because, as the holder of a retired license status, the respondent was not permitted to engage in the practice of medicine. Board staff and legal counsel believe that Board does have jurisdiction to impose discipline on any license it issues because that licensee can opt to change their license status by meeting limited requirements. If the Board lacked jurisdiction to impose discipline, it may create a retired status loophole that would insulate any licensee from discipline by transferring his or her license to a retired or inactive status. However, the court ruled that the holder of a retired status license is not a licensee under the Board's jurisdiction and that the Board's disciplinary authority is relevant to the holder of a retired license, "only if and when the retired licensee seeks to return to the practice of medicine and files an application" with the Board for restoration of his or her license. Board staff would like to sponsor legislation to make it clear that the Board retains jurisdiction over all licensees, regardless of the status of his or her license.

Renewal Notices – Ability to Send via E-Mail

The Board will be moving to a new information technology (IT) system that will allow physicians and surgeons to receive notifications via email. Currently physician and surgeons can pay their renewal fees online; however, they receive their renewal notice via US postal service. The new IT system will allow individuals the opportunity to choose the best method (i.e. electronically or via US Postal Service) of receiving information from the Board. The instructions will be specific that if they identify the electronic method, this will be the only notification tool used. In reviewing the Board's laws, it has been determined that Business and Professions (B&P) Code section 2424(a) will impede this process as currently written. The statute requires the Board to send a delinquent notice via US postal service and it must be sent

certified mail. In order to save mailing costs, mailing time, printing costs, etc., the Board would like to amend statute to allow these delinquency notifications to be sent via email if the physician

chooses this method of communication. This could be done by deleting this subdivision in its entirety, or amending it to add e-mail communication as an option. This statute change may be considered as part of the omnibus bill.

Omnibus

The following changes were requested and approved last year and will be included in the 2012 omnibus bill:

- Section 2064 – changing “and” to “or” in the section of law that relates to allowing a foreign medical student enrolled in an approved medical school “and” clinical training program to allow them to practice medicine. The statute should read “or”, it was not meant to require an individual to be enrolled in medical school and a clinical training program.
- Section 2184 – Adding clinical training to postgraduate training programs, as one of the ways the Board is allowed to extend the passing scores of the USMLE.
- Section 2516 – Changing the word “infant” to “neonate” in the licensed midwife annual report, neonate is a more appropriate term.

The following change is a new omnibus bill provision:

- Adding a new provision that will establish a retired license status for licensed midwives, similar to the retired license status for physicians. This appears to have been left out due to an oversight. For most practitioners, there is a status that allows for retirement where fees are not required, but the licensee can still use the initials of a licensee after his or her name.

**Medical Board of California
Tracker II - Legislative Bills
10/18/2011**

BILL	AUTHOR	TITLE	STATUS	AMENDED
AB 70	Monning	CHHS: Public Health: Federal Grant Opportunities	2-year	
AB 127	Logue	Regulations: Effective Date	2-year	
AB 137	Portantino	Health Care Coverage: Mammographies	2-year	
AB 172	Eng	Public Contracts: Information: Web site	VETOED	09/07/11
AB 174	Monning	Health Information Exchange	2-year	03/21/11
AB 186	Williams	Reportable Diseases and Conditions	CHAPTERED, #540	08/31/11
AB 242	Rev. & Tax	Income Taxes: Federal Health Care	CHAPTERED, #727	08/31/11
AB 273	Valadao	Regulations: Economic Impacts Review	2-year	
AB 300	Ma	Safe Body Art Act	CHAPTERED, #638	08/24/11
AB 377	Solorio	Pharmacy	2-year	04/14/11
AB 386	Galgiani	Prisons: Telehealth Systems	2-year	05/11/11
AB 389	Mitchell	Bleeding Disorders	2-year	03/30/11
AB 393	Wagner	APA: Legislative Intent	2-year	
AB 425	Nestande	State Regulations: Review	2-year	
AB 428	Portantino	Health Care Coverage: Fertility Preservation	2-year	04/27/11
AB 439	Skinner	Health Care Information	2-year	06/28/11
AB 499	Atkins	Minors: Medical Care: Consent	CHAPTERED, #652	
AB 530	Smyth	Regulations: Economic and Technical Information	2-year	03/31/11
AB 655	Hayashi	Healing Arts: Peer Review	CHAPTERED, #380	07/06/11
AB 673	Perez, J.	Office of Multicultural Health: LGBT Communities	CHAPTERED, #639	06/01/11

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10/18/2011**

BILL	AUTHOR	TITLE	STATUS	AMENDED
AB 675	Hagman	Continuing Education	2-year	04/05/11
AB 678	Pan	Medi-Cal: Supplemental Provider Reimbursement	CHAPTERED, #397	08/15/11
AB 714	Atkins	Health Care Coverage: California Health Benefit Exchange	2-year	06/30/11
AB 740	Blumenfield	Personal Services Contracts	CHAPTERED, #684	
AB 778	Atkins	Health Care Service Plans: Vision Care	2-year	06/21/11
AB 847	Lowenthal, B.	Pharmacy: Clinics	2-year	
AB 916	Perez, M.	Promotores: Medically Underserved Communities: Federal Grants	2-year	08/15/11
AB 917	Olsen	State Agencies: Sunset Review	2-year	
AB 922	Monning	Office of Patient Advocate	CHAPTERED, #552	09/02/11
AB 951	Perea	State Employees: Memorandum of Understanding	2-year	06/13/11
AB 972	Butler	Substance Abuse: Treatment Facilities	2-year	08/15/11
AB 991	Olsen	State Gov't: Licenses: California Licensing & Permit Center	2-year	04/13/11
AB 1003	Smyth	Professional and Vocational Licenses	2-year	
AB 1078	Grove	Legislature: Former Members: State Boards and Commissions	2-year	
AB 1088	Eng	State Agencies: Collection of Demographic Data	CHAPTERED, #689	08/30/11
AB 1192	Garrick	Immunization Information: Pertussis	2-year	04/25/11
AB 1213	Nielsen	Regulations	2-year	04/12/11
AB 1217	Fuentes	Assisted Reproductive Technology: Parentage	2-year	06/20/11
AB 1280	Hill	Ephedrine: Retail Sale	2-year	08/15/11
AB 1296	Bonilla	Health Care Eligibility, Enrollment, and Retention Act	CHAPTERED, #641	09/01/11
AB 1322	Bradford	Regulations: Principles of Regulation	2-year	04/15/11
AB 1328	Pan	Clinical Laboratories	2-year	03/31/11
ABX1 3	Logue	Regulations: 5-Year Review and Report	DEAD	

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BILL	AUTHOR	TITLE	STATUS	AMENDED
ABX1 4	Logue	Regulations: Effective Date	DEAD	
ABX1 5	Logue	Regulations: Legislative Notice	DEAD	
ABX1 6	Logue	Regulations: Economic Impacts Review	DEAD	
AJR 10	Brownley	School-Based Health Centers	CHAPTERED, #68	05/02/11
SB 38	Padilla	Radiation Control: Health Facilities and Clinics: Records	CHAPTERED, #139	03/29/11
SB 41	Yee	Hypodermic Needles and Syringes	CHAPTERED, #738	08/15/11
SB 103	Liu	State Government: Meetings	2-year	07/12/11
SB 173	Simitian	Healing Arts: Mammograms	2-year	08/15/11
SB 227	Wyland	Business and Professions: Licensure	2-year	
SB 231	Emmerson	Regulatory Boards: Healing Arts	2-year	
SB 236	Anderson	California Public Records Act	2-year	
SB 252	Vargas	Public Contracts: Personal Services	2-year	05/31/11
SB 347	Rubio	Graduate Medical Education Payments: Medi-Cal	2-year	03/21/11
SB 360	DeSaulnier	Controlled Substance Utilization Review and Eval. System	CHAPTERED, #418	07/07/11
SB 393	Hernandez	Medical Homes	2-year	05/31/11
SB 396	Huff	Regulations: Review Process	2-year	04/07/11
SB 399	Huff	Healing Arts: Advertising	2-year	
SB 411	Price	Home Care Services Act of 2011	2-year	08/30/11
SB 442	Calderon	Hospitals: Interpreters	VETOED	04/26/11
SB 538	Price	Nursing	VETOED	08/15/11
SB 553	Fuller	Regulations: Effective Date	2-year	04/05/11
SB 616	DeSaulnier	Medi-Cal: Grants	2-year	04/26/11
SB 628	Yee	Acupuncture: Regulation	2-year	06/29/11

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BILL	AUTHOR	TITLE	STATUS	AMENDED
SB 667	Runner	Naturopathic Doctor	2-year	03/31/11
SB 728	Hernandez	Health Care Coverage	2-year	05/31/11
SB 742	Yee	Medicine	2-year	
SB 746	Lieu	Tanning Facilities	CHAPTERED, #664	08/30/11
SB 747	Kehoe	Continuing Education: LGBT Patients	VETOED	08/26/11
SB 791	Simitian	Health Care: Mammograms	VETOED	09/09/11
SB 850	Leno	Medical Records: Confidential Information	CHAPTERED, #714	09/01/11
SB 924	Walters	Physical Therapists: Direct Access	2-year	05/24/11
SB 946	Heath Comm.	Public Health	CHAPTERED, #650	09/09/11
SJR 6	Kehoe	Survivors of Torture	CHAPTERED, #45	6/22/2011