

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: February 2, 2022
ATTENTION: Members, Medical Board of California
SUBJECT: Proposal Related to a Public Board Member Majority
STAFF CONTACT: Aaron Bone, Chief of Legislation and Public Affairs

REQUESTED ACTION

To approve the proposed amendments to the Medical Practice Act (MPA) and agree to sponsor or support legislation, as appropriate, that would enact these changes into law.

After they are introduced, bills are frequently amended during the legislative process. Therefore, staff request the Board delegate authority to the President and Vice-President to work with staff in furtherance of this proposal, consistent with the Board's intent, including, but not limited to, negotiation on possible future amendments that may be necessary.

BACKGROUND

During the Medical Board of California's (Board) November 18-19, 2021, meeting, the Board approved multiple legislative proposals. Those proposals were included in a [memo](#) distributed to the Legislature in early January.

The language below would clarify the Board's proposed changes with regard to its legislative request to change the composition of the Board to a public member majority.

Proposed Language

The proposed amendments to the MPA are intended to do the following:

- Change the Board's composition to a public member majority by replacing one physician and surgeon (P&S) member with a public member. The change would not occur until the first physician and surgeon position becomes vacant following the effective date of this bill.
- Due to the reduction of one P&S member, the bill would similarly reduce by one the minimum number of P&S members who must hold faculty appointments in a medical school. It would also make non-substantive updates to antiquated language.
- Update the composition of the Board's disciplinary panels to reflect the public member majority by stating that P&S members may not exceed the number of public members assigned to a panel.

The proposed amendments maintain the Board at 15 members, thereby avoiding any additional financial impact associated with adding more Board members.

Staff recommend the following amendments to the Business and Professions Code (BPC), with proposed deletions in ~~red strikethrough~~ and additions in blue underlined text:

BPC Section 2001

- (a) There is in the Department of Consumer Affairs a Medical Board of California that consists of 15 members, ~~7~~ 8 of whom shall be public members.
- (b) The Governor shall appoint 13 members to the board, subject to confirmation by the Senate, ~~5~~ 6 of whom shall be public members. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member.
- (c) In order to implement the amendments made by the act that added this subdivision, the first position held by a licensed physician or surgeon that becomes vacant on or after January 1, 2023, shall be converted to a public member position.
- (d) This section shall remain in effect only until January 1, 2024, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

BPC Section 2007

Members of the board shall only be appointed from persons who have been ~~citizens~~ residents of this state for at least ~~five years next~~ the five-year period preceding their appointment. Members of the board, except the public members, shall only be appointed from persons licensed as physicians and surgeons in this state. No person who in any manner owns any interest in any college, school, or institution engaged in medical instruction shall be appointed to the board. ~~Four~~ Three of the physician members of the board shall hold faculty appointments in a clinical department of an approved medical school in the state, but not more than four members of the board may hold full-time appointments to the faculties of such medical schools.

The public members shall not be ~~licentiates~~ licensees of the board.

BPC Section 2008

The board may appoint panels from its members for the purpose of fulfilling the obligations established in subdivision (c) of Section 2004. Any panel appointed under this section shall at no time be comprised of less than four members and the number of ~~public~~ licensed physician and surgeon members assigned to the panel shall not exceed the number of ~~licensed physician and surgeon~~ public members assigned to the panel. Each panel shall annually elect a chair and a vice chair.