



MEDICAL BOARD OF CALIFORNIA

Protecting consumers by advancing high quality, safe medical care.

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

FLOOR ALERT – Senate Bill 806 (Roth)

TO: Members, California State Assembly
FROM: Kristina D. Lawson, President, Medical Board of California
DATE: September 1, 2021
RE: SB 806 (Roth) – Support, if Amended Position

The Medical Board of California (Board) has a Support, if Amended position on SB 806, which would extend the date of the Board's sunset and allow the Board to continue its mission to protect California's health care consumers and promote access to quality medical care for all Californians. The Board is grateful that SB 806 restores our authority to obtain recovery of its investigation and prosecution costs related to disciplinary proceedings against its physician licensees. This is expected to help support the timely resolution of the Board's disciplinary proceedings and mitigate certain enforcement expenses. Further, we appreciate that the bill promotes efficiencies in the Board's licensing processes through the reduced use of paper and postage.

The Board, however, continues to have significant concerns with the current version of SB 806. Among other concerning provisions, the bill reduces the amount of postgraduate training required for an individual to obtain a physician and surgeon's license from 36 months to as little as 12 months. The Board does not believe consumers are well-served by this change to licensing standards, which was approved by the Legislature during the Board's prior sunset review.

Therefore, the Board believes that the current licensing structure, which clearly requires the completion of 36 months of postgraduate training, is appropriate and necessary to ensure that consumers are treated by adequately trained physicians.

The Board is aware of concerns raised by stakeholders related to physicians-in-training who may be unable to prescribe controlled substances or bill for Medi-Cal when moonlighting outside their postgraduate training program but believes that those matters can and should be carefully analyzed and resolved through alternative means.

Further, to fulfill its mission, the Board requires a predictable and adequate revenue stream. As a result of factors largely out of the control of the Board, the Board is rapidly depleting its reserve, and the fee amounts proposed in the current version of SB 806 are insufficient to address the Board's operating deficit and rebuild the reserve. A preliminary staff analysis of the fee amounts in the current version of the bill, which includes a proposed \$12 million loan from the Bureau of Automotive Repair, projects that the Board's fund may go negative sometime during Fiscal Year 2022-2023.

The fee amounts proposed in our [January 2020 study](#) will place the Board on a stable financial pathway. Therefore, the Board requests that SB 806 be amended to include those fee amounts.

In addition, the Board requests the following amendments to SB 806:

- Update the composition of the Board so that public members are a majority of the membership.
- Change the limitation on the confidential letter of advice so that it may only be used for minor violations unrelated to a licensee's fitness to practice. The current language is overly restrictive and would render these letters useless for the vast majority of matters before the Board.
- Ensure that the enforcement monitor is independent from advocacy organizations that appear before the Board and Legislature.
- Include the additional statutory changes requested by the Board in our [sunset report](#) (see New Issues, p. 205)
- Extend the Board for four years (rather than two).

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