

Senate Bill No. 233

CHAPTER 11

An act to add and repeal Section 2076.6 of the Business and Professions Code, relating to healing arts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 2024. Filed with Secretary of State May 23, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 233, Skinner. Practice of medicine: Arizona physicians: abortions and abortion-related care for Arizona patients.

Existing law, the Medical Practice Act, establishes the Medical Board of California and the Osteopathic Medical Board of California to license and regulate the practice of medicine, and establishes examination, training, and other requirements for licensure as a physician and surgeon. A violation of the act is a misdemeanor.

This bill, through November 30, 2024, would authorize a physician licensed to practice medicine in Arizona who meets certain requirements to practice medicine in California for the purpose of providing abortions and abortion-related care to patients who are Arizona residents traveling from Arizona, upon application for registration with the Medical Board of California or the Osteopathic Medical Board of California, as applicable. The bill would prohibit the physician from providing care or consultation for other purposes or to other patients, except under specified circumstances. The bill would require an Arizona physician, before practicing in California, to submit specified information to the Medical Board of California or the Osteopathic Medical Board of California, as applicable, including, among other information, written verification from the Arizona Medical Board or the Arizona Board of Osteopathic Examiners in Medicine and Surgery, or documentation printed from an online licensing system, that the physician's Arizona license to practice medicine is in good standing and confers on the physician the authority to practice abortions and abortion-related care. The bill would require the applicant to provide an affidavit attesting that, among other things, the applicant meets all of the requirements for registration, as specified, and would make it a misdemeanor for a person to provide false information. The bill would limit the information the California boards are required to disclose about a registrant. The bill would deem a physician registered pursuant to the bill's provisions a licensee of the applicable board, would authorize the applicable board to take enforcement against a person registered pursuant to the bill's provisions, and would prohibit the applicable boards from collecting any fees for registration. By creating a new crime,

the bill would impose a state-mandated local program. The bill would repeal the bill's provisions on January 1, 2025.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The people of the State of California do enact as follows:

SECTION 1. Section 2076.6 is added to the Business and Professions Code, to read:

2076.6. (a) (1) Notwithstanding any other law, a physician who meets the requirements set forth in subdivision (b) shall register and may practice medicine in California through November 30, 2024, solely for the purpose of providing abortions, as defined in Section 123464 of the Health and Safety Code, and abortion-related care to patients who are Arizona residents traveling from Arizona seeking abortions or abortion-related care in California.

(2) Except as provided in Section 2058 or 2060, the physician shall not provide care or consultation to any patient that is not related to either performing an abortion or abortion-related care, and shall not provide care or consultation for an abortion or abortion-related care to any patient unless they are Arizona residents who have traveled from Arizona to California for that care or consultation.

(b) The physician shall:

(1) Hold a medical license in good standing in Arizona that confers on the physician the authority to practice abortions and abortion-related care within a similar scope as defined in subdivision (a) of Section 123464 of the Health and Safety Code.

(2) Have performed at least one activity within the scope of subdivision (a) of Section 123464 of the Health and Safety Code under the authority of their Arizona medical license during the two years immediately preceding their registration submission to the applicable board pursuant to paragraph (3).

(3) Submit to the Medical Board of California or the Osteopathic Medical Board of California, as applicable, written verification from the Arizona Medical Board or the Arizona Board of Osteopathic Examiners in Medicine

and Surgery, as applicable, or documentation printed from an online licensing system, that the physician's Arizona license is in good standing.

(4) For a physician provider who is licensed in more than one jurisdiction, the physician shall:

(A) Maintain an Arizona medical license in good standing.

(B) Submit to the Medical Board of California or the Osteopathic Medical Board of California, as applicable, written verification from the state licensing board, or documentation printed from an online licensing system, for each jurisdiction that the registrant's license is in good standing in that jurisdiction.

(5) Submit to the Medical Board of California or the Osteopathic Medical Board of California, as applicable, their Arizona address of record, their temporary California address of record, if any, and an affidavit attesting to both of the following:

(A) The provider meets all of the requirements for registration under this section.

(B) The information submitted to the applicable board pursuant to this section is accurate to the best of the provider's knowledge.

(c) Any person who provides false information in the affidavit required pursuant to paragraph (5) of subdivision (b) is guilty of a public offense, punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, by imprisonment in a county jail not exceeding one year, or by both the fine and imprisonment.

(d) (1) The Medical Board of California or the Osteopathic Medical Board of California, as applicable, shall register a physician who meets the requirements of subdivision (b) within five business days of receiving all applicable documentation described in that subdivision. The registration shall expire on November 30, 2024.

(2) The applicable board shall not register any physician who fails to provide all applicable documentation described in subdivision (b) and shall deem the physician's request for registration incomplete.

(3) If the applicable board deems the registration incomplete or that the physician does not meet the requirements of subdivision (b), the physician shall not engage in the practice of medicine in California pursuant to this section unless the applicable board later deems the physician's registration complete.

(e) A physician registered pursuant to this section shall not practice medicine in California until they submit to the applicable board the street address of a location in this state at which the physician will practice medicine. The registered physician shall submit to the applicable board the street address of each location in this state at which the physician will practice medicine.

(f) The applicable board shall not post information on its internet website regarding physicians registered pursuant to this section. Upon request, the applicable board shall disclose only the following information about persons registered pursuant to this section: the registrant's name, registration status,

and the Arizona license number. Other records and information submitted to the applicable board pursuant to this section shall be exempt from disclosure pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(g) A physician registered pursuant to this section shall be deemed to be a licensee of the applicable board for purposes of the laws administered by that board relating to standards of practice and discipline, for the duration of the registration. The physician shall be exempt from the requirements of the Radiologic Technology Act, as defined in Section 27 of the Health and Safety Code, relating to the use and supervision of use of radiographic or fluoroscopic x-ray equipment for diagnostic purposes but not therapeutic purposes. A physician registered pursuant to this section may only practice medicine within the scope described in subdivision (a).

(h) The applicable board may take appropriate enforcement action against a person registered pursuant to this section, including, but not limited to, revoking or suspending the registration of a person who does not meet the requirements of subdivision (b) or the laws applicable to licensees pursuant to subdivision (g).

(i) The applicable board shall not collect or require a fee for registration pursuant to this section.

(j) The applicable board may develop and publish guidance to implement this section.

(k) For purposes of this section, “good standing” means an active license to practice medicine with no restrictions or limitations on that license in effect and no accusation, or similar filing initiating disciplinary action, is pending, unless that accusation or filing is for an offense solely related to the performance of an abortion in that state.

(l) This section shall become inoperative on December 1, 2024, and, as of January 1, 2025, is repealed.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

Following the Arizona Supreme Court ruling of April 9, 2024, authorizing the state’s 1864 law, access to abortion care for Arizonans will be almost entirely eliminated. In order to increase access to abortion care following this ruling for Arizonans by increasing the ability for Arizonans to see an Arizona provider in California, it is necessary for the act to take effect immediately.

SEC. 4. The Legislature finds and declares that Section 1 of this act, which adds Section 2076.6 to the Business and Professions Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to ensure the privacy and safety of registered Arizona physicians, it is necessary that this act limit the public's right of access to that information.