



## **SB 849 – Patient Safety Extension**

### **Senator Akilah Weber Pierson, M.D.**

#### **SUMMARY**

SB 849 expands current patient safety protections by requiring the Medical Board to automatically revoke the license of a physician or surgeon who had their license reinstated on or after January 1, 2020, after a finding of sexual misconduct with a patient.

#### **BACKGROUND**

According to Business and Professions Code (“BPC”) section 2001.1, “protection of the public shall be the highest priority for the Medical Board of California in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.”

Patients place extraordinary trust in their physicians, and patient safety must always be the foremost priority in medical practice. The physician-patient relationship involves significant vulnerability and relies on ethical judgment and integrity. When serious misconduct occurs, it calls into question a physician’s ability to safely care for patients.

In 2022, AB 1636 (Weber) removed the Medical Board’s discretion to reinstate a physician or surgeon who lost their license due to sexual misconduct with a patient. At that time, the Los Angeles Times had [reported](#) instances where physicians committed acts of sexual misconduct against their patients. In all of the reported instances, the physician either had their license revoked or the physician surrendered their license, but subsequently petitioned the Medical Board of California (MBC) for license reinstatement. The bill removed the Board’s ability to reinstate those individuals.

AB 1636 went into effect in 2023. A few years prior to the implementation of that measure, the Legislature spoke out against sexual abuse of all

forms and granted victims additional rights and protections, including extending the statute of limitations for sexual assault claims and prohibiting nondisclosure agreements in settlement agreements related to workplace sexual harassment.

This bill extends the victim protections implemented by AB 1636 by retroactively applying those protections to a time frame when the State and Legislature became more forceful in their discipline of sexual harassment and misconduct.

A medical license is a privilege and not a right and this bill ensures that the responsibilities and honor attached to that privilege are maintained.

#### **SPECIFICALLY, THIS BILL**

Amends BPC to require automatic revocation of a person’s physician or surgeon certificate if the certificate was revoked based on a finding by the Medical Board that the person committed one of the specified sexual misconduct acts or offenses, and the certificate was subsequently reinstated by the board on or after January 1, 2020.

The bill would also prohibit the person from petitioning the board for reinstatement or renewal of the certificate.

#### **CONTACT**

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