

**Introduced by Senator Niello  
(Coauthor: Senator Valladares)**

February 9, 2026

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An act to amend Section 2052.5 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1002, as introduced, Niello. Out-of-state physicians and surgeons: telehealth: license exemption.

Existing law, the Medical Practice Act, establishes the Medical Board of California within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of the practice of medicine by physicians and surgeons. Existing law generally prohibits the practice of medicine without a physician's and surgeon's certificate issued by the board.

Existing law authorizes a health care provider to deliver health care via telehealth to a patient pursuant to specified protocols and conditions. Existing law defines "telehealth" as the delivery of health care services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient's health care, and that telehealth includes synchronous interactions and asynchronous store and forward transfers.

Existing law authorizes an eligible out-of-state physician and surgeon, as defined, to deliver health care via telehealth to an eligible patient. Existing law defines "eligible patient" as a person who, among other requirements, has a life-threatening disease or condition, as defined, and has not been accepted to participate in the clinical trial nearest to their home for the immediately life-threatening disease or condition,

as specified, or in the medical judgment of a physician and surgeon, as defined, it is unreasonable for the patient to participate in that clinical trial due to the patient’s current condition and state of disease.

This bill would also include within the definition of “eligible patient” a patient whose immediately life-threatening disease or condition is in remission and the patient is continuing care with the previously established eligible out-of-state physician and surgeon, and would provide that those patients are not subject to the clinical trial requirement, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 2052.5 of the Business and Professions  
2 Code is amended to read:  
3 2052.5. (a) For purposes of this section, the following  
4 definitions apply:  
5 (1) “Eligible patient” means a person who meets all of the  
6 following requirements:  
7 (A) Has an immediately life-threatening disease or condition  
8 as defined in Section 111548.1 of the Health and Safety Code  
9 *Code or the immediately life-threatening disease or condition is*  
10 *in remission and the patient is continuing care with the previously*  
11 *established eligible out-of-state physician and surgeon.*  
12 (B) Has given written informed consent for, or, if the person  
13 lacks the capacity to consent, their legally authorized representative  
14 has given written informed consent on their behalf for, both of the  
15 following:  
16 (i) The use of an eligible out-of-state physician and surgeon’s  
17 telehealth health care services.  
18 (ii) The release of certified medical records to their primary  
19 physician and surgeon by the out-of-state physician.  
20 (C) Has not been accepted to participate in the clinical trial  
21 nearest to their home for the immediately life-threatening disease  
22 or condition identified in subparagraph (A) within one week of  
23 completion of the clinical trial application process, or, in the  
24 medical judgment of a physician and surgeon described in  
25 paragraph (3), it is unreasonable for the patient to participate in  
26 that clinical trial due to the patient’s current condition and stage

1 of disease. *This requirement shall not apply to patients where the*  
2 *immediately life-threatening disease or condition is in remission*  
3 *and the patient is continuing care with the previously established*  
4 *eligible out-of-state physician and surgeon.*

5 (D) Has documentation from their primary physician and  
6 surgeon attesting that they meet the requirements in subparagraphs  
7 (A), (B), ~~and~~ *and, if applicable,* (C). The primary physician and  
8 surgeon may withdraw the documentation if there is a substantial  
9 change in the patient’s mental capacity to make informed decisions  
10 for their own care unless their legally authorized representative  
11 has given written informed consent on their behalf.

12 (2) “Eligible out-of-state physician and surgeon” means a person  
13 who is licensed as a physician and surgeon in another state in good  
14 standing with no history of prior discipline, and whose medical  
15 expertise is that of the eligible patient’s illness.

16 (3) “Primary physician and surgeon” means a physician and  
17 surgeon licensed under the Medical Practice Act (Chapter 5  
18 (commencing with Section 2000)) or an osteopathic physician and  
19 surgeon licensed under the Osteopathic Act (Article 21  
20 (commencing with Section 2450)).

21 (4) “Telehealth” has the same meaning as provided in Section  
22 2290.5.

23 (b) Notwithstanding any other law, an eligible out-of-state  
24 physician and surgeon may practice medicine in the state if the  
25 practice is limited to delivering health care via telehealth to an  
26 eligible patient.