

**ASSEMBLY BILL**

**No. 1215**

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**Introduced by Assembly Member Flora**

February 21, 2025

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An act to amend Sections 2282 and 2283 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1215, as introduced, Flora. Hospitals: medical staff membership.

Existing law, the Medical Practice Act, establishes the Medical Board of California within the Department of Consumer Affairs and charges it with administrative and enforcement duties related to the provision of medical services under the act.

The act makes unprofessional conduct subject to discipline by the board the regular practice of medicine in a specified hospital having 5 or more physicians and surgeons on the medical staff without required provisions governing the operation of the hospital relating to records and to the organization, membership, and self-governance of the medical staff.

The act makes unprofessional conduct subject to discipline by the board the regular practice of medicine in a specified hospital having less than 5 physicians and surgeons on the medical staff without required provisions governing the operation of the hospital relating to records and to the membership of the medical staff.

The act includes in the organization provisions licensed physicians and surgeons, as specified, and in the membership provisions physicians and surgeons, and other licensed practitioners, as specified.

A violation of the act, unless otherwise expressly provided, is a crime.

This bill would expand the required provisions related to organization to additionally include dentists, podiatrists, clinical psychologists, nurse practitioners, nurse anesthetists, nurse midwives, and other health care professionals, as specified. The bill would expand the required provisions related to membership of medical staff to additionally include dentists, podiatrists, clinical psychologists, nurse practitioners, nurse anesthetists, and nurse midwives, as specified.

By expanding the required provisions, the lack thereof constituting unprofessional conduct, this bill would expand the scope of a crime, and would thereby impose a state-mandated local program.

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.

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

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

- 1 SECTION 1. Section 2282 of the Business and Professions
- 2 Code is amended to read:
- 3 2282. The regular practice of medicine in a licensed general
- 4 or specialized hospital having five or more physicians and surgeons
- 5 on the medical staff, which does not have rules established by the
- 6 board of directors thereof to govern the operation of the hospital,
- 7 which rules include, among other provisions, all the following,
- 8 constitutes unprofessional conduct:
- 9 (a) Provision for the organization of physicians and ~~surgeons~~
- 10 *surgeons, dentists, podiatrists, clinical psychologists, nurse*
- 11 *practitioners, nurse anesthetists, nurse midwives, and other health*
- 12 *care professionals* licensed to practice in this state who are
- 13 permitted to practice in the hospital into a formal medical staff
- 14 with appropriate officers and bylaws and with staff appointments
- 15 on an annual or biennial basis.
- 16 (b) Provision that membership on the medical staff shall be
- 17 restricted to physicians and ~~surgeons~~ *surgeons, dentists, podiatrists,*
- 18 *clinical psychologists, nurse practitioners, nurse anesthetists,*
- 19 *nurse midwives,* and other licensed practitioners competent in their
- 20 respective fields and worthy in professional ethics. In this respect

1 the division of profits from professional fees in any manner shall  
2 be prohibited and any such division shall be cause for exclusion  
3 from the staff.

4 (c) Provision that the medical staff shall be self-governing with  
5 respect to the professional work performed in the hospital; that the  
6 medical staff shall meet periodically and review and analyze at  
7 regular intervals their clinical experience; and the medical records  
8 of patients shall be the basis for such review and analysis.

9 (d) Provision that adequate and accurate medical records be  
10 prepared and maintained for all patients.

11 SEC. 2. Section 2283 of the Business and Professions Code is  
12 amended to read:

13 2283. The regular practice of medicine in a licensed general  
14 or specialized hospital having less than five physicians and  
15 surgeons on the medical staff, which does not have rules  
16 established by the board of directors thereof to govern the operation  
17 of the hospital, which rules include, among other provisions, all  
18 of the following, constitutes unprofessional conduct:

19 (a) Provision that membership on the medical staff shall be  
20 restricted to physicians and ~~surgeons~~ *surgeons, dentists, podiatrists,*  
21 *clinical psychologists, nurse practitioners, nurse anesthetists,*  
22 *nurse midwives*, and other licensed practitioners competent in their  
23 respective fields and worthy in professional ethics. In this respect  
24 the division of profits for professional fees in any manner shall be  
25 prohibited and any such division shall be cause for exclusion from  
26 the staff.

27 (b) Provision that adequate and accurate medical records be  
28 prepared and maintained for all patients.

29 SEC. 3. No reimbursement is required by this act pursuant to  
30 Section 6 of Article XIII B of the California Constitution because  
31 the only costs that may be incurred by a local agency or school  
32 district will be incurred because this act creates a new crime or  
33 infraction, eliminates a crime or infraction, or changes the penalty  
34 for a crime or infraction, within the meaning of Section 17556 of  
35 the Government Code, or changes the definition of a crime within  
36 the meaning of Section 6 of Article XIII B of the California  
37 Constitution.