



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

Patients Right to Know Act 2018

SB 1448
Author:
Sen. Jerry Hill

SUMMARY OF THE BILL

SB 1448 will require doctors placed on probation after July 2019, to notify their patients, via a separate disclosure, about their probationary status prior to the patient's first visit. The bill only applies if the doctor is on probation for the following serious offenses:



1. Sexual abuse, misconduct or relations with a patient or client.
2. Drug or alcohol abuse directly resulting in harm to patients or the extent that such use impairs the ability of the licensee to practice safely.
3. Criminal conviction involving harm to patient safety or health.
4. Inappropriate prescribing resulting in patient harm and 5 or more years of probation.

The bill would apply to physicians and surgeons licensed by the Medical Board of California, the California Board of Podiatric Medicine, and the Osteopathic Medical Board of California; doctors licensed by the state's Naturopathic Medicine Committee; and practitioners licensed by the state Board of Chiropractic Examiners and licensees of the California Acupuncture Board.

Problem: Although California requires physicians who are placed on probation to inform their insurance companies and the hospitals and clinics where they practice, they don't have to tell the people at greatest risk – their patients. Authorities at every level have failed to protect patients from doctors with histories of sexual assault, hiding their misconduct for years and sometimes decades. The recent case against Olympic team doctor Larry Nassar, who was convicted after decades of abusing

the athletes under his care, highlights the need to protect patients when regulators fail to act. Even more recently, Dr. George Tyndall, a USC gynecologist, was accused of conducting inappropriate pelvic exams on young students.

About 140,000 physicians and surgeons are licensed to practice in the state by the Medical Board of California. The board revokes the licenses of about 108 doctors each year for misconduct. But the board also negotiates probation for about 124 doctors annually, allowing such physicians to keep practicing.

This information isn't secret, and it's available to patients — if they know where to look. But most people wouldn't even think of searching the Medical Board's website

Solution: People have a right to know if their doctor is on probation for serious misconduct. SB 1448 lifts the veil of secrecy and ensures patients have the information they need to protect themselves from sexual assault. The *Los Angeles Times* [recently editorialized](#) in support of SB 1448 stating, "If we've learned nothing else from the #MeToo movement, it is that secrecy around misconduct allows perpetrators to continue hurting people."

SUPPORT

Consumer Attorneys of California

CONTACTS

Jacquie Serna jserna@caoc.org
Nancy Peverini nancyp@caoc.org
Lea-Ann Tratten ltratten@caoc.org