

## CONCURRENCE IN SENATE AMENDMENTS

AB 1102 (Low)

As Amended August 16, 2022

Majority vote

**SUMMARY**

Clarifies that a telephone medical advice service is required to ensure that all health care professionals who provide telephone medical advice services from an out-of-state location are operating consistent with the laws governing the professionals' respective state licenses and clarifies that a telephone medical advice service is required to comply with directions and requests for information made by the respective in-state healing arts licensing boards.

**Senate Amendments**

Repeal the requirement that a telephone medical advice service notify the Department of Consumer Affairs within 30 days of any change of name, physical location, mailing address, or telephone number of any business, owner, partner, corporate officer, or agent for service of process in California.

**COMMENTS**

*Background.* Prior law required businesses that employed, or contract or subcontract with, the full-time equivalent of five or more persons functioning as health care professionals, whose primary function is to provide telephone medical advice, that provided telephone medical advice services to a patient at a California address to be registered with the Telephone Medical Advice Services Bureau and further required telephone medical advice services to comply with the requirements established by the Department of Consumer Affairs (DCA). However, the Telephone Medical Advice Services Bureau was sunset (abolished) as of January 1, 2017.

At the time, the bureau was under the direct control of the DCA. When the bureau sunset, there was no DCA unit or division to assume the duties overseeing telephone medical advice companies, so the enforcement duties were transferred to individual boards through their existing authority over the practice of the relevant licensed practitioners.

However, the language still requires the companies to comply with DCA direction and requests for information. The DCA has limited authority over licensing boards and their licensees. Licensing boards are "semi-autonomous," meaning they make the majority of their own decisions, such as whether to begin an investigation against a licensee and whether to take disciplinary action. However, state law is not clear as to the authority of the boards over the telephone medical advice service businesses, so boards currently only look to the individual licensees instead. This bill would clarify that the enforcement of the regulation of telephone medical advice services is within the jurisdiction of the boards by requiring them to comply with directions and requests from the boards, not just the DCA.

It would also clarify that a person who resides out of state and provides telephone medical advice in California must comply with the specific licensing requirements (e.g. not delinquent), not just the scope of practice requirements of their own state's license.

**According to the Author**

"This bill would clarify that the telephone medical advice companies must comply with directions and requests for information from not just the DCA, but also any licensing board that has jurisdiction over the type of advice being provided. Further, by virtue of hiring the professionals, the companies themselves may be providing services under state law. As a result, the oversight over these companies should be clarified to also include the licensing boards."

**Arguments in Support**

None on file

**Arguments in Opposition**

None on file

**FISCAL COMMENTS**

Unknown. This bill is keyed non-fiscal by the Legislative Counsel

**VOTES:****ASM BUSINESS AND PROFESSIONS: 17-0-2**

**YES:** Low, Flora, Arambula, Berman, Bloom, Chen, Chiu, Cunningham, Megan Dahle, Fong, Gipson, Grayson, Holden, McCarty, Medina, Salas, Ward

**ABS, ABST OR NV:** Irwin, Mullin

**ASSEMBLY FLOOR: 74-0-4**

**YES:** Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Wicks, Rendon

**ABS, ABST OR NV:** Cooley, Holden, Mullin, Wood

**UPDATED**

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