

SENATE THIRD READING
SB 849 (Weber Pierson)
As Amended June 24, 2026
Majority vote

SUMMARY

Clarifies the conditions under which the surrender of a physician and surgeon's license in response to allegations of sexual abuse, misconduct, or specified relations with a patient or sexual exploitation results in the permanent loss of the license.

Major Provisions

Specifies that the Medical Board of California (MBC) and Osteopathic Medical Board of California (OMBC) is prohibited from reinstating a license in cases where the license was "surrendered because the person committed [specified sexual acts] with a patient... or sexual exploitation" if the surrender occurred while the MBC or OMBC accusation alleging the acts was pending.

COMMENTS

The Medical Practice Act and Osteopathic Act require the MBC and OMBC to enforce the laws relating to the practice of medicine for each of their respective physician license populations. The purpose of enforcement is to ensure that licensees continue to adhere to licensing requirements and protect the public from those that do not.

The boards have a range of enforcement tools to match the severity of any identified practice act violations. For minor violations, the boards may utilize educational letters or issue citations, which may include fines or an order of abatement. For more significant violations, the boards may seek formal disciplinary actions against a license, including probation, suspension, or revocation. Revocation is the highest form of discipline available to a licensing board—the person no longer possesses a license under the jurisdiction of the board.

The boards can initiate formal disciplinary action by referring the matter to the Office of the Attorney General (OAG) to prepare a case for prosecution in an administrative proceeding. For violations that also involve criminal conduct, the Department of Consumer Affairs (DCA's) Division of Investigation (DOI) can also refer the case to law enforcement.

Automatic Suspension and Revocation of Licenses. Certain acts and circumstances have been deemed so harmful or such a high risk of harm to patients that the MBC and OMBC are required to automatically suspend or revoke the licenses of any person who commits them. For example, the boards must automatically suspend a license after a conviction of specified felonies, including sexual abuse, misconduct, or relations with a patient. Once the conviction is final, the boards are required to automatically revoke the license.

The MBC and OMBC must also automatically revoke the license of any licensee that has been required to register as a sex offender, regardless of whether the related conviction has been appealed, except when the registration resulted from a misdemeanor for indecent exposure. Physicians subjected to automatic revocation may request a hearing within 30 days of the revocation. If the relevant conviction is overturned on appeal, the revocation ordered automatically ceases.

License Reinstatement. Except in specified cases, a former physician whose license was revoked, or who surrendered their license while under investigation or while charges were pending, is authorized to petition the MBC and OMBC for reinstatement. Petitions for reinstatement of a license surrendered or revoked for unprofessional conduct may not be filed for at least three years following the date the license was revoked or surrendered, though the MBC and OMBC may, for good cause shown, allow a petition to be submitted after only two years. Petitions include a statement of facts as required by the MBC and must be accompanied by at least two verified recommendations from licensed physicians who have personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed.

Petitions for reinstatement may be heard by a panel of the MBC or OMBC or may be assigned to an administrative law judge. The panel or the administrative law judge may consider all the petitioner's activities since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time the certificate was in good standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional ability. Once the hearing is completed, the petition for reinstatement is either denied or granted, and may be granted with the imposition of certain terms and conditions.

Automatic Denial of Reinstatements. In response to a 2021 investigative report published by the *Los Angeles Times* titled "These doctors sexually abused patients. The Medical Board gave them their licenses back" and subsequent reporting, the California Medical Association (CMA) sponsored a bill, AB 1636 (Weber), Chapter 453, Statutes of 2022, to establish the current prohibition against reinstating a license revoked for specified acts of sexual misconduct with patients or sexual exploitation.

The CMA noted that AB 1636 was "intended to remove any obstacles in statute ensuring patients are protected, physicians that commit this egregious conduct are appropriately disciplined, and the integrity of the medical profession is maintained. Physicians are entrusted by their patients to provide care and do no harm." AB 1636 went into effect January 1, 2023, meaning the reinstatement of a license revoked for specified sexual misconduct with a patient or sexual exploitation before that date was not yet prohibited. This bill would retroactively apply the prohibition to licenses reinstated after January 1, 2020. According to the author's background questionnaire:

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.

According to the Author

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. This legislation responds by clarifying physician standards to ensure that those entrusted with patient care must continuously meet the responsibility that comes with that role. By centering

patient safety, the bill helps restore confidence in the medical profession and ensures patients can rely on their physicians without hesitation. It reflects the Legislature's commitment to protecting the public and maintaining trust in California's healthcare system. Being a physician comes with an immense amount of public trust. This bill affirms that trust by placing patient safety first and upholding the highest expectations and standards for those who practice medicine.

Arguments in Support

The *California Medical Association* writes in support, "Patients place extraordinary trust in physicians. That trust is fundamental to the physician-patient relationship and to the effective delivery of health care. When a physician engages in sexual misconduct or commits a serious sexual offense against a patient, that trust is profoundly violated, causing lasting harm not only to the victim but also to public confidence in the medical profession."

Arguments in Opposition

There is no opposition to the current version of the bill.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, no costs to the MBC or the OMBC.

VOTES

SENATE FLOOR: 39-0-1

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Gonzalez

ASM BUSINESS AND PROFESSIONS: 19-0-0

YES: Berman, Addis, Ahrens, Alanis, Bains, Bauer-Kahan, Caloza, Chen, Elhawary, Hadwick, Haney, Hart, Irwin, Jackson, Patterson, Lowenthal, Macedo, Nguyen, Pellerin

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Arambula, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

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