

UNFINISHED BUSINESS

Bill No: SB 849
Author: Weber Pierson (D), et al.
Amended: 6/24/26
Vote: 21

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 9-0, 1/12/26
AYES: Ashby, Choi, Archuleta, Arreguín, Grayson, Niello, Smallwood-Cuevas,
Umberg, Weber Pierson
NO VOTE RECORDED: Menjivar, Strickland

SENATE APPROPRIATIONS COMMITTEE: 7-0, 1/22/26
AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SENATE FLOOR: 39-0, 1/26/26
AYES: 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
NO VOTE RECORDED: Gonzalez

ASSEMBLY FLOOR: Passed, 8/25/26

SUBJECT: Physicians and surgeons: sexual misconduct and offenses:
revocation of certificate

SOURCE: Author

DIGEST: This bill 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.

Assembly Amendments make various conforming changes, address constitutionality issues raised by Assembly policy committee, and add a coauthor.

ANALYSIS:

Existing law:

- 1) Establishes various practice acts in the Business and Professions Code (BPC) governed by various boards within the Department of Consumer Affairs (DCA) which provide for the licensing and regulation of health care professionals and establishes a number of reporting requirements outlined in the BPC designed to inform health professional licensing boards about possible matters for investigation. (BPC §§ 500 *et seq.* and §§ 800 *et seq.*)
- 2) Specifies that cases involving certain allegations by licensees of the Medical Board of California (MBC) and the Podiatric Medical Board must be handled on a priority basis, including, but not limited to sexual misconduct with one or more patients during a course of treatment or an examination. (BPC § 2220.05)
- 3) Authorizes denial of an application for licensure as a physician and surgeon from any applicant who was subject to formal discipline for sexual abuse, misconduct, or relations with a patient or sexual exploitation. Allows for the automatic revocation of a physician and surgeon license if the application would have been denied for any of these causes. Requires automatic revocation of the license of any physician and surgeon who has been convicted in another state of a crime that would have required sex offender registration in California. Prohibits reinstatement of the license of a physician and surgeon if it was surrendered or revoked for committing an act of sexual abuse, misconduct, or relations with a patient, or following conviction of a crime requiring registration as a sex offender wherein the person engaged in the offense with a patient or client, with the exception of registration required following conviction of a misdemeanor for indecent exposure. (BPC §§ 480, 2232, 2307)

This bill prohibits a physician and surgeon license from being reinstated in cases where the license was surrendered while an accusation was pending against the licensee that alleges licensee committed an act of sexual abuse, misconduct, or relations with a patient pursuant or sexual exploitation.

Background

The physician and surgeon enforcement process begins with a complaint. Complaints are received from various sources, including the public, generated

internally by MBC or the Osteopathic Medical Board of California (OMBC), or based on information MBC and OMBC receive from various entities through mandatory reports to the boards.

MBC licensee complaints are received by the Central Complaint Unit, which starts the process of determining next steps for a complaint. Complaint priorities are outlined in BPC Section 2220.05 in order to ensure that physicians representing the greatest threat of harm are identified and disciplined expeditiously. MBC must ensure that it is following this section of law when investigating complaints, including complaints alleging certain behavior, including sexual misconduct with one or more patients during a course of treatment or an examination, as being the highest priority.

For complaints about physicians and surgeons that are subsequently investigated and meet the necessary legal prerequisites, a Deputy Attorney General (DAG) in the Office of the Attorney General (OAG) drafts formal charges, known as an "Accusation". A hearing before an Administrative Law Judge (ALJ) is subsequently scheduled, at which point settlement negotiations take place between the DAG, the physician and their attorney and MBC or OMBC staff. Often times these result in a stipulated settlement, similar to a plea bargain in criminal court, where a licensee admits to having violated charges set forth in the accusation, or admits that the MBC or OMBC could establish a factual and legal basis for the charges in the Accusation at hearing, and accepts penalties for those violations. If a licensee contests charges, the case is heard before an ALJ who subsequently drafts a proposed decision. This decision is reviewed by a panel of MBC members or the OMBC Board who either adopt the decision as proposed, adopt the decision with a reduced penalty or adopt the decision with an increased penalty. If probation is ordered, a copy of the final decision is referred to MBC's Probation Unit or OMBC's probation monitor for assignment to an inspector who monitors the licensees for compliance with the terms of probation.

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

misdeemeanor 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.

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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Committee on Appropriations, the bill will not result in costs to MBC or OMBC.

SUPPORT: (Verified 8/25/26)

California Medical Association
National Women's Defense League

OPPOSITION: (Verified 8/25/26)

None received

ARGUMENTS IN SUPPORT: According to the California Medical Association, "...when a physician has been found to have committed egregious sexual misconduct against patients, the state has a compelling interest in ensuring that patients are protected from future harm. This measure recognizes that certain violations of professional trust are so serious that permanent removal from medical

practice is warranted. Importantly, this bill supplements the narrowly focused law that applied to the most serious forms of physician sexual misconduct and applies only to individuals whose licenses were revoked on those grounds. This measured approach balances due process considerations with the paramount need to protect patients from repeat offenders.”

National Women’s Defense League writes that “This bill sends a clear message to survivors: their safety matters, their experiences are taken seriously, and the state will not permit known offenders to cycle back into positions where harm can recur. It also affirms to the public that California’s medical licensing system exists to protect patients—not to rehabilitate those who have already violated fundamental ethical obligations.”

Prepared by: Sarah Mason / B., P. & E.D. /
8/25/26 18:35:43

****** END ******