

[Up^](#)[Add To My Favorites](#)**BUSINESS AND PROFESSIONS CODE - BPC****DIVISION 2. HEALING ARTS [500 - 4999.129]** (*Division 2 enacted by Stats. 1937, Ch. 399.*)**CHAPTER 1. General Provisions [500 - 865.2]** (*Chapter 1 enacted by Stats. 1937, Ch. 399.*)**ARTICLE 6.5. Open Payments Database Notices [660 - 665]** (*Article 6.5 added by Stats. 2022, Ch. 750, Sec. 1.*)

660. For purposes of this article, all of the following definitions apply:

(a) "Drug or device company" means a manufacturer, developer, or distributor of pharmaceutical drugs or any device used in the context of the physician and surgeon's or osteopathic physician and surgeon's practice.

(b) "Health care employer" means an employer that provides health care services and that employs a physician and surgeon or an osteopathic physician and surgeon.

(c) "Open Payments database" means the database created to allow the public to search for data provided pursuant to Section 1320a-7h of Title 42 of the United States Code and that is maintained by the federal Centers for Medicare and Medicaid Services.

(d) "Physician and surgeon" includes a physician and surgeon licensed pursuant to the Medical Practice Act (Chapter 5 (commencing with Section 2000)) or an osteopathic physician and surgeon licensed by the Osteopathic Medical Board of California under the Osteopathic Act.

(*Added by Stats. 2022, Ch. 750, Sec. 1. (AB 1278) Effective January 1, 2023.*)

661. (a) A physician and surgeon shall provide to each patient at the initial office visit a written or electronic notice of the Open Payments database. The written notice shall include a signature from the patient or a patient representative and the date of signature.

(b) The written or electronic notice shall contain the following text:

"The Open Payments database is a federal tool used to search payments made by drug and device companies to physicians and teaching hospitals. It can be found at <https://openpaymentsdata.cms.gov>."

(c) A physician and surgeon shall include in the electronic records for the patient a record of the notice pursuant to this section.

(d) If a physician and surgeon does not maintain electronic records, the physician and surgeon shall include the notice pursuant to this section in the written records.

(e) A physician and surgeon shall give to the patient or patient representative a copy of the signed and dated notice.

(*Added by Stats. 2022, Ch. 750, Sec. 1. (AB 1278) Effective January 1, 2023.*)

663. (a) (1) Notwithstanding any law, except as provided in subdivision (c), a physician and surgeon shall post in each location where the physician and surgeon practices, in an area that is likely to be seen by all persons who enter the office, an Open Payments database notice.

(2) The Open Payments database notice described in paragraph (1) shall include both of the following:

(A) An internet website link to the Open Payments database.

(B) The following text:

"For informational purposes only, a link to the federal Centers for Medicare and Medicaid Services (CMS) Open Payments web page is provided here. The federal Physician Payments Sunshine Act requires that detailed information about payment and other payments of value worth over ten dollars (\$10) from manufacturers of drugs, medical devices, and biologics to physicians and teaching hospitals be made available to the public."

(b) Beginning January 1, 2024, if an internet website is used for a physician and surgeon's practice, then the physician and surgeon shall conspicuously post the Open Payments database notice described in subdivision (a) on that internet website, except as otherwise authorized under subdivision (c).

(c) Notwithstanding subdivisions (a) and (b), if a physician and surgeon subject to this section is employed by a health care employer, the health care employer shall be responsible for meeting the requirements of this section.

(d) A posting required by this section may be placed within the same notice posted by the physician and surgeon in accordance with Section 138 or 2026.

(Added by Stats. 2022, Ch. 750, Sec. 1. (AB 1278) Effective January 1, 2023.)

664. A violation of this article shall constitute unprofessional conduct.

(Added by Stats. 2022, Ch. 750, Sec. 1. (AB 1278) Effective January 1, 2023.)

665. This article does not apply to a physician and surgeon working in a hospital emergency room.

(Added by Stats. 2022, Ch. 750, Sec. 1. (AB 1278) Effective January 1, 2023.)