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Code:  Section:

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**BUSINESS AND PROFESSIONS CODE - BPC**

**DIVISION 2. HEALING ARTS [500 - 4999.129]** ( *Division 2 enacted by Stats. 1937, Ch. 399.*  )

**CHAPTER 5. Medicine [2000 - 2529.8.1]** ( *Chapter 5 repealed and added by Stats. 1980, Ch. 1313, Sec. 2.*  )

**ARTICLE 8.5. Special Permits [2168 - 2169]** ( *Article 8.5 added by Stats. 1997, Ch. 332, Sec. 1.*  )

**2168.** (a) (1) A special faculty permit authorizes the holder to practice medicine only within the medical school itself, any affiliated institution of the medical school, or an academic medical center and any affiliated institution in which the permitholder is providing instruction as part of the medical school's or academic medical center's educational program and for which the medical school or academic medical center has assumed direct responsibility. The holder of a special faculty permit shall not engage in the practice of medicine except as provided above.

(2) For the purposes of this section, the term "academic medical center" is defined as meeting all of the following requirements:

(A) A facility licensed by the State of California.

(B) The facility conducts both internal and external peer review of the faculty for the purpose of conferral of academic appointments on an ongoing basis.

(C) The facility conducts clinical and basic research for the purpose of advancing patient care.

(D) The facility trains a minimum of 250 resident physicians in Accreditation Council for Graduate Medical Education accredited residencies on an annual basis commencing each January 1.

(E) The facility has more than 100 research students or postdoctoral researchers annually.

(F) The facility has foreign medical graduates in research.

(G) The facility offers clinical observer experiences.

(H) The facility is accredited by the Western Association of Schools and Colleges and the Accreditation Council for Graduate Medical Education.

(b) Time spent in a faculty position under a special faculty permit shall not be counted toward the postgraduate training required for licensure and shall not qualify the holder of the permit for waiver of any written examination required for licensure.

(c) The medical school or academic medical center shall not appoint the holder of a special faculty permit to a position as a division chief or head of a department without express written authorization from the board.

(Amended by Stats. 2022, Ch. 329, Sec. 1. (AB 2178) Effective January 1, 2023.)

**2168.1.** (a) Any person who meets all of the following eligibility requirements may apply for a special faculty permit:

(1) Is academically eminent. For purposes of this article, "academically eminent" means the applicant meets either of the following criteria:

(A) The person holds or has been offered a full-time appointment at the level of full professor in a tenure track position, or its equivalent, at an academic medical center, as defined in Section 2168, or a California medical school approved by the board.

(B) The person is clearly outstanding in a specific field of medicine or surgery and has been offered by the dean of a medical school or the dean or chief medical officer of an academic medical center a full-time academic appointment at the level of full professor or associate professor, and a great need exists to fill that position.

(2) Possesses a current valid license to practice medicine issued by another state, country, or other jurisdiction.

(3) Is not subject to denial under Section 480 or any provision of this chapter.

(4) Pays the fee prescribed for application for, and initial licensure as, a physician and surgeon.

(5) Has not held a position under Section 2113 for a period of two years or more preceding the date of the application. The board may, in its discretion, waive this requirement.

(b) The board shall exercise its discretion in determining whether an applicant satisfies the requirements of paragraph (1) of subdivision (a).

(c) (1) The board shall establish a review committee composed of two members of the division, one of whom shall be a physician and surgeon and one of whom shall be a public member, one representative from each of the medical schools, and one individual selected pursuant to paragraph (3) to represent academic medical centers in California. The committee shall review and make recommendations to the board regarding the applicants applying pursuant to this section, including those applicants that a medical school or academic medical center proposes to appoint as a division chief or head of a department or as nontenure track faculty.

(2) The representative of the medical school or academic medical center offering the applicant an academic appointment shall not participate in any vote on the recommendation to the board for that applicant.

(3) The academic medical centers shall select by consensus, one individual to represent academic medical centers on the review committee.

(d) The board shall not approve more than five applications submitted pursuant to this section by academic medical centers in any calendar year.

(e) As used in this section, "academic medical center" has the same meaning as defined in subdivision (a) of Section 2168.

*(Amended by Stats. 2020, Ch. 280, Sec. 4. (AB 2273) Effective January 1, 2021.)*

**2168.2.** An application for a special faculty permit shall be made on a form prescribed by the board and shall include any information that the board may prescribe to establish an applicant's eligibility for a permit. This information shall include, but is not limited to, the following:

(a) A statement from the dean of the medical school or dean or chief medical officer at an academic medical center at which the applicant will be employed describing the applicant's qualifications and justifying the dean's or chief medical officer's determination that the applicant satisfies the requirements of paragraph (1) of subdivision (a) of Section 2168.1.

(b) A statement by the dean of the medical school or dean or chief medical officer of the academic medical center listing every affiliated institution in which the applicant will be providing instruction as part of the medical school's or academic medical center's educational program and justifying any clinical activities at each of the institutions listed by the dean or chief medical officer.

*(Amended by Stats. 2020, Ch. 280, Sec. 5. (AB 2273) Effective January 1, 2021.)*

**2168.3.** A special faculty permit may be denied, suspended, or revoked for any violation that would be grounds for denial, suspension, or revocation of a physician and surgeon's certificate, or for violation of any provision of this article. The holder of a special faculty permit shall be subject to all the provisions of this chapter applicable to the holder of a physician's and surgeon's certificate.

*(Added by Stats. 1997, Ch. 332, Sec. 1. Effective January 1, 1998.)*

**2168.4.** (a) A special faculty permit expires and becomes invalid at midnight on the last day of the month in which the permit was issued during the second year of a two-year term commencing from the date of issuance, if not renewed.

(b) A person who holds a special faculty permit shall show at the time of license renewal that they continue to meet the eligibility criteria set forth in Section 2168.1. After the first renewal of a special faculty permit, the permitholder shall not be required to hold a full-time faculty position, and may instead be employed part-time in a position that otherwise meets the requirements set forth in paragraph (1) of subdivision (a) of Section 2168.1.

(c) A person who holds a special faculty permit shall show at the time of license renewal that they meet the continuing medical education requirements of Article 10 (commencing with Section 2190).

(d) In addition to the requirements set forth above, a special faculty permit shall be renewed in accordance with Article 19 (commencing with Section 2420) in the same manner as a physician's and surgeon's certificate.

(e) Those fees applicable to a physician's and surgeon's certificate shall also apply to a special faculty permit and shall be paid into the State Treasury and credited to the Contingent Fund of the Medical Board of California.

*(Amended by Stats. 2021, Ch. 649, Sec. 15. (SB 806) Effective January 1, 2022.)*

**2168.5.** A holder of a special faculty permit issued before January 1, 2021, who practices medicine pursuant to subdivision (a) of Section 2168 at an academic medical center, as defined in subdivision (a) of Section 2168, shall be deemed to hold a special faculty permit with that academic medical center as though the initial application had been sponsored by the academic medical center.

*(Added by Stats. 2020, Ch. 280, Sec. 6. (AB 2273) Effective January 1, 2021.)*

**2169.** A person who holds a special faculty permit shall meet the continuing medical education requirements set forth in Article 10 (commencing with Section 2190).

*(Added by Stats. 2009, Ch. 308, Sec. 18. (SB 819) Effective January 1, 2010.)*