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**California Department of
Public Health**



EDMUND G. BROWN JR.
Governor

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AFL 18-14

TO: All Facilities

SUBJECT: Senate Bill (SB) 798 – 805.01 Reports to the Medical Board of California

AUTHORITY: Business and Professions (B&P) Code sections 805, 805.01, and 809.2

All Facilities Letter (AFL) Summary

This AFL informs health care facilities of the enactment of SB 798 (Chapter 775, Statutes of 2017) which, in part, allows the Medical Board of California (MBC) to impose a fine for failure to comply with the reporting requirements in B&P Code section 805.01.

Effective January 1, 2018, SB 798 (Chapter 775, Statutes 2017), in part, allows the MBC to impose a fine up to \$50,000 per violation upon an administrator of any peer review body (PRB), the chief executive officer (CEO) or administrator of any health care facility, or any person who is designated or otherwise required by law, for failure to file a “Health Facility/Peer Review Reporting Form” (805.01 report) with the MBC. The MBC may also impose a fine of \$100,000 per violation upon any person who is designated or otherwise required by law to file the report if it determines the failure to report was willful.

SB 798 does not change the existing reporting requirements. A PRB, as defined by B&P Code section 805, must submit the 805.01 report to the MBC within 15 days after making a final decision or recommendation to take disciplinary actions for any of the following acts, regardless of whether a hearing is held pursuant to B&P Code section 809.2:

- Incompetence, or gross or repeated deviation from the standard of care involving death or serious bodily injury to one or more patients, to the extent or in such a manner as to be dangerous or injurious to any person or to the public
- The use of, or prescribing for or administering any controlled substance or dangerous drug(s) or alcohol to himself or herself to the extent or in such a manner as to be dangerous or injurious to the physician, any other person, or the public, or to the extent that such use impairs the physician’s ability to practice medicine safely
- Repeated acts of clearly excessively prescribing, furnishing, or administering controlled substances to a patient, with or without an appropriate prior examination and medical reason (this does not apply to a physician prescribing, furnishing, or administering controlled substances for intractable pain, consistent with lawful prescribing)
- Sexual misconduct with one or more patients during a course of treatment or an examination

Disciplinary actions for purposes of reporting include:

- Termination or revocation of staff privileges, membership, or employment
- Denial or rejection of an application for staff privileges, membership, or employment
- Restrictions imposed or voluntarily accepted (for a cumulative total of 30 days or more for any 12-month period) on the physician’s staff privileges, membership, or employment.

The following individuals are responsible for filing the 805.01 reports with the MBC:

- The chief of staff of a medical or professional staff or other CEO, medical director, or administrator of any PRB, and
- The CEO or administrator of any licensed health care facility or clinic.

The California Department of Public Health's failure to expressly notify facilities of statutory or regulatory requirements does not relieve facilities of their responsibility for following all laws and regulations. Facilities should refer to the full text of all applicable sections of the B&P Code to ensure compliance.

For additional information regarding the requirements of this bill, please contact the MBC by email at webmaster@mbc.ca.gov.

Sincerely,

Original signed by Jean Iacino

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Deputy Director

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