

Re: The Board Meeting on 2/9/2021 and AB 359

From: George Sarka (georgesarka@aol.com)

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Cc: georgesarka@aol.com

Date: Friday, February 12, 2021, 04:54 PM PST

Dear Steve,

#1. Here is the summary of the CNS Board Meeting of 2/9/2021 in consultation with CNS President Weinmann MD which he approved and right to the point.

#2. President Weinmann's MD comments and request for further information of the CNS Board which I would encourage you and others to answer and send to Dr. Weinmann. I only received 4 comments.

#3. California Bill, AB 359

#1: Summary Issued by Dr. Sarka in consultation with Dr. Weinmann after the Board Meeting on 2/9/2021:

Dear Colleagues,

After discussing the issue of AB 359 with the CNS Board Members, President Robert Weinmann MD and the CNS Board decided that the CNS would remain neutral (no stand) the position but leaning towards favoring it in the future. Afterwards, the meeting became the program committee meeting regarding the upcoming conference in the Hyatt SFO 2/26/2021 to 2/28/2021. There is still time to register either attending the meeting physically or via ZOOM which is free for all CNS Board Members by going to the CNS Website Hope to see you there.

#2: Email PER President Weinmann MD on 2/10/2021:

Yes, fairly stated, George: before the meeting I posed 3 questions to the CNS board.

1st was whether or not CNS should take a definitive stand right now. Answer is not yet. We're not adversely disposed but that's still not a board position. We want to know more. The legislature has this bill scheduled for hearing on March 4th. We have time.

2nd was if we should retain professional lobbying, my answer is not yet since we don't have an avowed position that we want to push or squash. The information we need is reportedly available.

3rd we lean right now to letters to the author et al. I will undertake this step today asking among other queries what effect passage will or not effect patients likely to come under CNS purview.

For your interest, member interest in AB 359 appears slight since attendance at above named meeting was nine (9).

Any comments?

-- robert L. weinmann, MD, pres, CNS
2040 Forest Ave.(number 4)

San Jose, CA 95128

#3:California Bill, AB 359

ASSEMBLY BILL

NC

**Introduced by Assembly Member Cooper
(Principal coauthor: Assembly Member Smith)**

February 01, 2021

An act to amend Section 2177 of the Business and Professions Code, relating to healing arts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 359, as introduced, Cooper. Physicians and surgeons: licensure: examination.

Existing law, the Medical Practice Act, requires the Medical Board of California to issue a physician's and surgeon's certificate to a qualified applicant. Under the act, an applicant for a physician surgeon's certificate is required to include specified information in the application and to obtain a passing score on an entire examination or on each part of an examination. Existing law requires an applicant to obtain a passing score on all parts of Step 3 of the United States Medical Licensing Examination within not more than 4 attempts in order to be eligible for a certificate. Existing law provides an exception to the 4-attempt requirement for an applicant who holds an unlimited and unrestricted license as a physician and surgeon in another state, and has held that license continuously for a minimum of 4 years prior to the date of application, meets certain postgraduate training requirements and is certified by a specialty board, and is not subject to specified license denials or disciplinary action.

This bill would eliminate the exception described above and would instead establish an exception for an applicant who holds an unrestricted license as a physician and surgeon in another state, if the board makes prescribed determinations with regard to the applicant.

This bill would declare that it is to take effect immediately as an urgency statute.

DIGEST KEY

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2177 of the Business and Professions Code is amended to read:

2177. (a) A passing score is required for an entire examination or for each part of an examination, as established by resolution of the board.

(b) Applicants may elect to take the written examinations conducted or accepted by the board in separate parts.

(c) (1) An applicant shall have obtained a passing score on all parts of Step 3 of the United States Medical Licensing Examination within not more than four attempts in order to be eligible for a physician's and surgeon's certificate.

~~(2) Notwithstanding paragraph (1), an applicant who obtains a passing score on all parts of Step 3 of the United States Medical Licensing Examination in more than four attempts and who meets requirements of Section 2135.5 shall be eligible to be considered for issuance of a physician's and surgeon's certificate.~~

(2) Paragraph (1) shall not apply to an applicant for a physician's and surgeon's certificate who holds an unrestricted license as a physician and surgeon in another state, if the board determine no disciplinary action has been taken against the applicant by any medical licensing authority and that the applicant has not been the subject of adverse judgments or settlements resulting from practice of medicine that the board determines constitutes evidence of a pattern of negligence or incompetence.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall have immediate effect. The facts constituting the necessity are:

California is currently in a declared state of emergency due to the COVID-19 pandemic. This is alarming, as California has a shortage of licensed physicians, as evidenced by the recent passage of Assembly Bill 890 in 2020, which removes the physician supervision requirement for nurse practitioners, and the publication by the Emergency Medical Services Authority of a memorandum permitting physicians licensed in other states to practice medicine in California.

To immediately increase the number of licensed medical doctors (MDs) practicing in California, by adjusting the reciprocity statutes that govern the entry of out-of-state MDs into our state, and to ensure that those who are currently practicing in California, but are not licensed in California, can continue to practice in California, consistent with the reciprocity statutes that already apply to other independent, out-of-state health care practitioners, like Doctors of Osteopathy, it is necessary for this act to take immediate effect.

Sincerely,

George

George Sarka MD, DrPH, MPH, CPH, FACP, FACR, FACPM

Associate Clinical Professor of Medicine, UCLA

Secretary of the California Neurology Society (2018-2020)

Past President of the California Neurology Society (2015-2016)

Coordinator for Continuing Medical Education at the Klotz Student Health

Center, California State University, Northridge (CSUN)

Past ACP Governor of Southern California, Chapter Region II (2008-2012)

Past President of the LA Neurological Society (2006-2009)

Past President of the LA County Medical Society-District 1 (2006-2008)

Graduate of the Human Resource Management Certificate Program

at the University of California, Irvine 2009