



PRESS RELEASE

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CONTACT: LAWRENCE ROBERT
323-236-9992

Olympians, Other Former Star Athletes Join Women with Abuse Cases Pending Against Doctors to Urge California Lawmakers to Stop Shielding Physicians Placed on Probation in Misconduct Cases

State Senator Jerry Hill Introduces New Patient Safety Bill with Expanded Requirements for Disclosure by Doctors on Probation

SACRAMENTO -- Joined by former star athletes whose testimony helped bring a doctor to justice for sexually molesting scores of patients, state Senator Jerry Hill will hold a news conference in the Capitol Monday to announce his introduction of Senate Bill 1448: The Patients' Right to Know Act of 2018. The bill builds on his earlier efforts to pass patient safety legislation by requiring physicians and surgeons placed on probation in all misconduct cases to notify patients. His bill also extends the proposed requirement for medical doctors, to osteopaths, doctors of naturopathic medicine, chiropractors and acupuncturists.

WHAT: News Conference on Senate Bill 1448: The Patients' Right to Know Act of 2018

WHEN: 11 a.m. Monday, April 9, 2018

WHERE: Senate Committee Room 112
State Capitol, First Floor
Sacramento, CA 95814

WHO: In addition to Senator Hill, D-San Mateo and Santa Clara Counties, speakers are expected to include:

- Former members of U.S. national gymnastics team: Jeanette Antolin, 2000 Olympic bronze medalist Jamie Dantzschler and 2012 Olympic gold medalist Jordyn Wieber.
- Tiffany Thomas Lopez, who played softball for Michigan State University as a standout athlete.
- Regina Linares, a Salinas resident whose cardiologist faces a misdemeanor charge of sexual battery for allegedly fondling her as she lay unconscious while undergoing a medical procedure. Colleagues of the doctor reported the alleged incident.
- D.G., a San Diego woman seeking a jury trial in her lawsuit against a Southern California doctor for alleged sexual battery, medical negligence, sexual harassment and elder abuse during medical appointments.

WHY: The group will urge the Legislature and the Medical Board to fully support SB 1448. They also plan to call on the Medical Board to exert its full authority by enacting regulations that mutually support reporting requirements for doctors placed on probation. The Medical Board has declined to do so for years, despite repeated pleas by patient safety advocates.

The guest speakers also will encourage other survivors to report abuse to law enforcement and the Medical Board of California so doctors who have engaged in wrongdoing can be brought to justice.

Background on SB 1448: The Patients' Right to Know Act of 2018

Patient safety bill SB 1448 would make California the first state to require that doctors on probation in connection with cases of wrongdoing, including sexual misconduct, notify their patients of that status, the basic details of their terms of probation and conditions placed on their practice.

About 140,000 physicians and surgeons are licensed to practice in the state by the Medical Board of California. Each year, on average, the licenses of 108 doctors are revoked or surrendered as a result of disciplinary action by the board in cases that range from gross negligence or incompetence, inappropriate prescribing, sexual misconduct and substance abuse to other unprofessional conduct and violations. Also, on average, 124 doctors are placed on probation by the board each year in a similar range of cases. (See the charts in the SB 1448 Fact Sheet linked below.)

The Problem: Patients are Left in the Dark

The doctors have a choice of whether they address disciplinary cases pursued by the Medical Board through a hearing process or do so through a settlement, which can result in probation. Doctors placed on probation must inform their insurers and hospitals with which they are affiliated.

Doctors are not required to notify their patients about being placed on probation or about any restrictions imposed as a result. Such restrictions can include prohibiting a doctor from examining a patient alone or from treating women or children, requiring substance abuse therapy, or mandatory completion of refresher courses.

A doctor's probationary status is a matter of public record that is available through an online search of the Medical Board's website. But patients must take the initiative if they want to learn about a change in their doctor's license status. They must look up and then sift through the information themselves. Lack of computer or internet access creates further hurdles for patients, impairing their ability to make informed choices about their medical care and safety.

The Solution: Patient Notification

SB 1448: The Patients' Right to Know Act would apply to physicians and surgeons licensed by the Medical Board of California, the California Board of Podiatric Medicine, and the Osteopathic Medical Board of California; doctors licensed by the state's Naturopathic Medicine Committee; practitioners licensed by the state Board of Chiropractic Examiners and licensees of the California Acupuncture Board. Individuals placed on probation on or after July 1, 2019, would have to notify patients of their status, state the terms and conditions of their probation, and tell them how to find more information.

Why the Fight for Patients' Right to Know Continues

The introduction of SB 1448 marks Senator Hill's third effort to improve patient safety through increased transparency of discipline and enforcement actions involving doctors. In 2016, his SB 1033 to require patient notification by doctors on probation did not survive the legislative process after failing to win enough votes for passage in the state Senate. Last year, his SB 798 to require patient notification in the most serious disciplinary cases cleared the Senate, but faltered in the Assembly, where proposed amendments eviscerated the reporting requirements. Senator Hill refused to accept them.

"From the start, this legislation has been about consumer safety for patients, giving them the information and tools they need to make informed decisions about their medical care and safety,"

said Senator Hill. “Patients have a right to the knowledge that makes those choices possible, instead they’re kept in the dark. Every effort must be made to make sure they are not deprived of information that could be key to their safety and well-being.

“As the MeToo Movement and the brave testimony of scores of athletes have shown, no profession is immune to abuses of trust and authority. It is time to end the silence and secrecy that enable such abuses to flourish.”

“I also urge survivors to report abuse if they have not done so already,” said Senator Hill.

The Medical Board’s Central Complaint Unit can be reached at 916-263-2382 and at <http://www.mbc.ca.gov/Consumers/Complaints/>

More Resources:

Fact Sheet for Senate Bill 1448:

http://sd13.senate.ca.gov/sites/sd13.senate.ca.gov/files/2018-04-06_sb1448_fact_sheet.pdf

The text of SB 1448 will be available online within 24 hours at <http://leginfo.legislature.ca.gov/> Until today, SB 1448 was an unrelated bill. It was rewritten to accommodate the legislation for the Patients’ Right to Know Act of 2018.

Information about doctors’ status, filing a complaint and other consumer resources are available from the Medical Board of California, <http://www.mbc.ca.gov/>, the Medical Board Central Complaint Unit at 916-263-2382 and <http://www.mbc.ca.gov/Consumers/Complaints/>, and the Medical Board Publications page, <http://www.mbc.ca.gov/Publications/>

Media Contact: Leslie Guevarra, 415-298-3404, leslie.guevarra@sen.ca.gov(link sends e-mail)

 [2018-04-06_sb1448_fact_sheet.pdf](http://sd13.senate.ca.gov/sites/sd13.senate.ca.gov/files/2018-04-06_sb1448_fact_sheet.pdf)

Manly, Stewart & Finaldi is California’s leading law firm representing child victims of sexual abuse. The firm has represented more than 150 victims of clergy sexual abuse in California and hundreds of others throughout the United States. The firm also represented plaintiffs in the \$140,000,000 settlement against LAUSD in the Miramonte case, the largest sex abuse settlement against a School District in the US.