



NEWS

California law requires doctors to disclose serious misconduct probation to patients

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A new California law, the first of its kind in the United States, requires doctors to tell new patients if the state medical board has placed them on probation for activity involving patient harm. Activities that must be reported under the Patient's Right to Know Act include sexual misconduct, drug misuse that has harmed or could harm patients, a criminal conviction involving harm to patients, and inappropriate prescribing.

Doctors already had to notify employers of such cases, said Lee Harris, president of the Consumer Attorneys of California, which pushed for the new law, but adding patients was a "long overdue fix."

He said, "It's never made sense that doctors have had to tell their insurance companies, hospitals, and clinics when they are put on probation, but not the people who are most at risk—their patients."

The law affects all of the roughly 140 000 "licensed physicians" in California, a category that also includes osteopaths, naturopaths, chiropractors, podiatrists, and acupuncturists, who are regulated by their own state boards.

Any new patient of a doctor on probation must be given a written notification, which patients must sign to show that they have

read it. Previously, the burden was on the patient to look up such information on a rarely visited state government website.

Victims of Larry Nassar, US Gymnastics doctor and serial sexual abuser, testified before the state legislature in favour of the law, while the California Medical Association opposed it.

The association, which lobbied successfully against a similar but broader law last year, argued that it violated due process and would raise administrative costs for the State Medical Board by prompting doctors to contest probation and demand full hearings instead.

In California probation does not follow findings of fact in a hearing but is a resolution agreement between doctor and board, in which the doctor agrees to imposed working conditions but does not admit wrongdoing.

Another new California law will require doctors who prescribe opioids or benzodiazepines after 2 October to consult the CURES database (Controlled Substance Utilization Review and Evaluation System), a national system that aims to track prescribing and dispensing of each patient's painkillers to identify chronic users and "doctor shoppers," who visit multiple physicians to request prescriptions.