Physician’s Duty to Notify Patients of Medical Board Licensure

An Ounce of Prevention is Worth a Pound of Cure…

Physicians beware. Starting on June 27, 2010, a new California regulation goes into effect that will require physicians in California to notify their patients that they are licensed by the Medical Board of California. This new regulation, required by Business and Professions Code Section 138, is set out in Title 16, California Code of Regulations Section 1355.4. In addition to informing patients of licensure by the Medical Board, the notice must also include the Medical Board’s telephone number and website address.

The new regulation is designed to let consumers know where they can go for information or who to contact about a complaint concerning a physician. Compliance can be accomplished by one of three methods:

(1) Prominently posting the notice in at least 48-point type in Arial font in a visible area of the physician’s offices where it is likely to be seen by patients. The notice must read exactly as follows:

NOTICE TO CONSUMERS

Medical doctors are licensed and regulated by the Medical Board of California

(800) 633-2322

www.mbc.ca.gov

(2) Including the notice in a writing that is signed and dated by the patient or the patient’s representative which states that the patient understands the physician is licensed and regulated by the Medical Board of California. A copy of the signed notice should then be maintained in the patient’s file.

(3) Including the notice in a statement on letterhead, discharge instructions or other document provided to a patient or the patient’s representative, provided the notice is in at least 14-point type and appears immediately above the signature line for the patient.
Health Care Alert

This regulation will apply to all medical doctors in California and includes any facilities where medicine is practiced by a physician. This includes medical clinics, medical practices, nursing homes, hospitals, outpatient centers, emergency care facilities, medical spas, etc. The regulation does not apply to non-medical doctors such as osteopaths.

The physician is charged with the duty to ensure that the notice is provided in any facility where he or she practices medicine. If the physician or facility chooses to post the notice, it must be placed in an area where it is conspicuous to patients. The Medical Board has indicated that it expects physicians to take a common-sense approach to what would be considered a conspicuous area. Waiting rooms or examination rooms would likely be considered areas where the notice would be reasonably visible to patients.

Medical doctors in California are required to comply with this new regulation regardless of the practice setting. For physicians who don’t maintain a facility or clinic such as a medical doctor who makes house visits, compliance with the second or third options will suffice.

Physicians should start the process of updating their documents and forms as well as creating or ordering any signs they intend to post in visible areas so that all can be in place before the day of reckoning.

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