



# LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

## SACRAMENTO LEGISLATIVE OFFICE

GEORGE GASCÓN • District Attorney  
SHARON L. WOO • Chief Deputy District Attorney  
JOSEPH F. INIGUEZ • Chief of Staff

DANIEL FELIZZATTO • Legislative Advocate  
TAMAR TOKAT • Legislative Advocate

June 13, 2022

The Honorable Akilah Weber  
California State Assembly  
1021 O Street, Suite 4130  
Sacramento, CA 95814

### **ASSEMBLY BILL 1636 (WEBER) SUPPORT**

Dear Assembly Member Weber:

The Los Angeles County District Attorney's Office is pleased to support Assembly Bill 1636.

AB 1636 requires the Medical Board of California (MBC) to deny an initial license application, automatically revoke a license, or deny a petition to reinstate a license for individuals who have committed acts of sexual abuse or misconduct with a patient.

In order to protect patients from criminal sexual misconduct and ensure that any physician who violates a patient's trust cannot be licensed in California, AB 1636 would:

- Require the MBC to deny an application for licensure as a physician from any applicant who has been required to register as a sex offender, or who was convicted in another state for a crime that would require registration in California, with the exception of registrations required following a conviction for misdemeanor indecent exposure.
- Require the MBC to deny an application for licensure as a physician from any applicant who was formally disciplined by a licensing board in or outside of California for professional misconduct constituting an act of sexual abuse, misconduct, or relations with a patient.
- Prohibit an applicant from ever reapplying for licensure as a physician if they have previously been denied for any of the above causes.
- Allows the MBC to automatically revoke a license if the board discovers, after a license is granted, that the applicant's application would have been denied for any of the above causes.
- Require the MBC to automatically revoke the license of any physician who has been convicted in another state of a crime that would have required sex offender registration in California.
- Repeal an exemption from automatic revocation for offenders who have subsequently been relieved of a duty to register as such in California.
- Eliminate the ability of a person whose license was revoked before January 1, 2005, following registration as a sex offender to petition a superior court to determine that the individual no longer poses a risk to patients and order the MBC to reinstate their license.

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- Prohibit the MBC from reinstating the license of any person whose license was surrendered or revoked for committing an act of sexual abuse, misconduct, or relations with a patient, or following conviction of a crime requiring registration as a sex offender wherein the person engaged in the offense with a patient or client, with the exception of registration required following conviction of a misdemeanor for indecent exposure.

In December of 2021, the Los Angeles Time published an investigative report about the MBC and its enforcement activities. The article detailed several cases where a physician committed sexual abuse against a patient, lost their license, but then successfully petitioned to have their license reinstated. The Times reported that ten physicians who had lost their licenses for sexual misconduct had successfully petitioned for reinstatement since 2013, and that the MBC “reinstated more than half of all sex abusers who sought to get their licenses back, a rate significantly higher than for doctors who lost their licenses for all other reasons.”

The California Medical Association (CMA) has been critical of the MBC characterizing their actions as “abhorrent and intolerable.” The CMA believes that, “Any physician who violates a patient’s trust and the sanctity of the physician-patient relationship in this way has no place in the medical profession.”

AB 1636 will ensure that the MBC will no longer allow physicians who were determined to have committed sexual misconduct involving patients to practice medicine in the State of California.

Our Office strongly believes that a physician who violates this level of trust should never practice in California.

If you have any questions or need additional information, please feel free to contact Daniel Felizzatto in my Sacramento Legislative Office at (916) 442-0668.

Very truly yours,



GEORGE GASCÓN  
District Attorney