

Patient's Right to Know Act of 2018

The Patient's Right to Know Act of 2018, [SB 1448 \(Hill, Chapter 570\)](#), requires physicians and surgeons who are placed on probation for the acts of serious misconduct identified below to notify their patients. This legislation added [Business and Professions Code section 2228.1](#). On and after July 1, 2019, this law requires licensees placed on probation to notify patients of their probationary status for cases that involve the following:

- The commission of any act of sexual abuse, misconduct, or relations with a patient as defined in [Business and Professions Code section 726 or 729](#); or
- Drug or alcohol abuse directly resulting in harm to patients, or to the extent that such use impairs the ability of the licensee to practice safely; or
- Criminal conviction directly involving harm to patient health; or
- Inappropriate prescribing resulting in harm to patients and a probationary period of five years or more.

Licensees serving a probationary term for the violations cited above are required to provide a separate disclosure to a patient, or patient's guardian or health care surrogate, before the patient's first visit following the probationary order.

The separate disclosure must include:

1. The licensee's probation status;
2. The length of the probation;
3. The probation end date;
4. All practice restrictions placed on the licensee by the Osteopathic Medical Board of California (Board);
5. The Board's telephone number; and
6. An explanation of how the patient can find further information about the licensee's probation on the licensee's profile page on the Board's online license information internet website.

The licensee shall obtain from the patient, or the patient's guardian or health care surrogate, a separate, signed copy of that disclosure.

A licensee is not required to provide such a disclosure if any of the following applies:

- The patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of the disclosure and a guardian or health care surrogate is unavailable; or
- The visit occurs in an emergency room or urgent care facility or the visit is unscheduled, including consultations in inpatient facilities; or
- The licensee who will treat the patient during the visit is not known to the patient until immediately prior to the start of the visit; or
- The licensee does not have a direct treatment relationship with the patient.

In addition, on and after July 1, 2019, the law requires the Board provide the following information for licensees on probation and licensees practicing under probationary licenses in plain view on the licensee's profile page on the Board's website:

- For probation imposed pursuant to a stipulated settlement, the causes alleged in the operative accusation along with a designation identifying those causes by which the licensee has expressly admitted guilt and a statement that acceptance of the settlement is not an admission of guilt; or
 - For probation imposed by an adjudicated decision of the Board, the causes for probation stated in the final probationary order; or
 - For a licensee granted a probationary license, the causes for which a probationary license was imposed, the length of the probation and end date, and all practice restrictions placed on the license by the Board.
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- [Physician Sample letter for SB 1448](#)