



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

November 9, 2009

Board of Supervisors
GLORIA MOLINA
First District

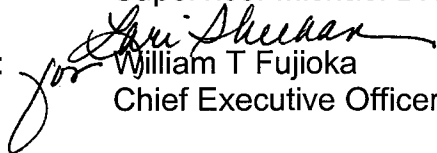
MARK RIDLEY-THOMAS
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Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From:  William T Fujioka
Chief Executive Officer

MOTION TO DIRECT THE CHIEF EXECUTIVE OFFICER TO PURSUE STATE LEGISLATION TO PROVIDE AN EXEMPTION FROM CALIFORNIA LICENSURE FOR OUT-OF-STATE MEDICAL PERSONNEL IN THE STATE FOR A SHORT DURATION TO PROVIDE VOLUNTEER MEDICAL AND DENTAL SERVICES (ITEM NO. 8 - AGENDA OF NOVEMBER 10, 2009)

Item No. 8 on the November 10, 2009 Agenda is a motion by Supervisor Ridley-Thomas recommending that the Board of Supervisors direct the Chief Executive Officer to pursue State legislation that is supportive of an exemption from California licensure requirements for out-of-state licensed medical personnel in good standing including, physicians, dentists, nurses, and other personnel, who are in the State for a short duration of time to provide medical and dental care services and who are sponsored by non-profit or local community groups.

Current law provides certain exemptions from California licensing requirements for medical personnel holding out-of-state licenses. For example, when a state of emergency has been declared, medical professionals can practice in a different state at the request of the Federal government or as part of a disaster team under an emergency medical assistance compact. Also, physicians who are not citizens of the United States, but who meet all qualifications for appointment as visiting fellows by the dean of the California Medical School, may practice medicine in the State. Visiting fellows must be under the direction of the head of the department to which they are appointed and supervised by the staff of the school's medical center. However, there appear to be no exemptions for medical or dental personnel licensed in other states to provide short-term volunteer services in California.

"To Enrich Lives Through Effective And Caring Service"

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Each Supervisor
November 9, 2009
Page 2

In recent years, the Legislature has addressed concerns regarding providing volunteer medical services. AB 2342 (Chapter 276, Statutes of 2006), required the Medical Board of California (MBC) to study the issue of providing medical malpractice insurance for physicians and surgeons who provide voluntary, unpaid services to indigent patients in medically underserved or critical needs areas of the State. The MBC report issued on January 15, 2009 determined that California is one of seven remaining states that have yet to enact "meaningful legislation that relieves providers who render voluntary, unpaid care to patients from paying the high cost of professional liability insurance. Lack of malpractice insurance is perceived as a serious impediment to attracting volunteers."

The report recommended that if California desires to promote physician volunteerism, legislation is needed to: 1) provide liability protection that provide immunity for common negligence, but not gross negligence or willful misconduct; 2) determine settings where liability protection would apply, such as free clinics, non-profits, physicians' offices, etc.; 3) identify patients that would be covered; and 4) establish a State program to pay for insurance for volunteer physicians.

Because there is no existing Board policy to pursue legislation to exempt medical and dental personnel providing short-term volunteer services from California licensing requirements, **support for this motion is a matter for Board policy determination.**

WTF:RA
MR:VE:er

c: Executive Officer, Board of Supervisors
Acting County Counsel