



# PROBATION UNIT

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Medical Board of California  
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# Presentation Overview

- Highlight the organizational structure of the Probation Unit.
- Identify various positions within the Unit.
- Briefly explain the roles for each position.
- Discuss the possible probation terms and conditions imposed.
- Discuss how probation staff monitors compliance with the terms and conditions.
- Share concepts - focusing efforts to improve the effectiveness of Unit.

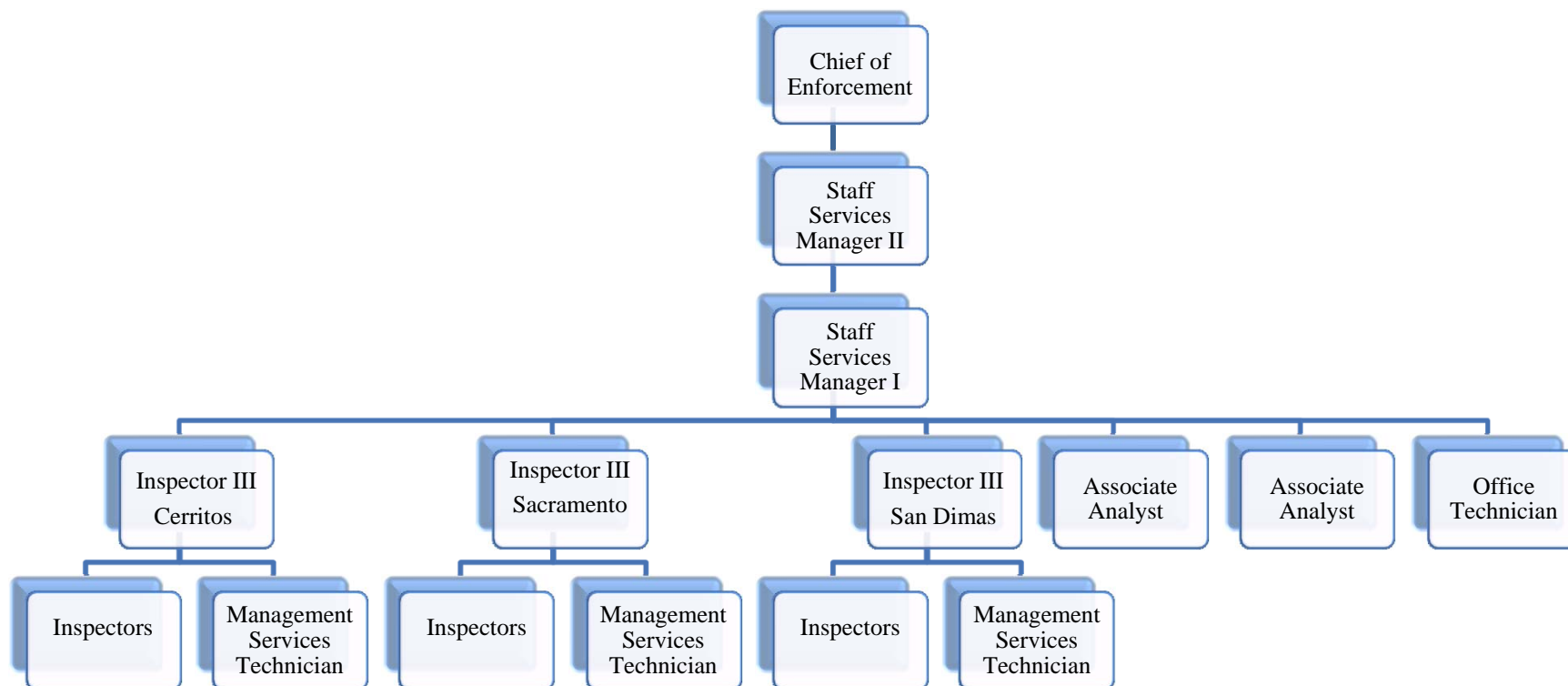
# Learning Objectives

- Awareness of how the Unit monitors licensees on probation.
- Understand actions taken when licensees violate a term or condition.
- Appreciate that optimal success is a continual process.

# Who's Who

- Probation Unit created in 2008
  
- Three Probation Offices
  - 1) Probation North - Sacramento
  - 2) Probation LA Central - Cerritos
  - 3) Probation South - San Dimas
  
- Total of 25 non-sworn staff
  - Manager, Supervisors, Inspectors, Analysts and Technicians

# Organizational Chart



# Statutory Authorities

- Disciplinary Guidelines were created to implement the mandates of Business and Professions (B&P) Code sections 2227 and 2229.
- B&P Code section 2227 defines the disciplinary actions to be imposed by administrative law judges (ALJ) or via stipulated agreements against licensees found guilty of violating the Medical Practice Act. Those actions are:
  - 1) Revocation of license;
  - 2) License suspension not to exceed one year;
  - 3) Probation;
  - 4) Publicly reprimanded, which may require licensee to complete relevant educational courses; or
  - 5) Any other action taken in relation to discipline as part of an order of probation, as the Board or ALJ deems proper.

# Statutory Authorities

- B&P Code section 2229 expresses that:
  - 1) Public protection shall be the highest priority when the Board or an ALJ exercises its disciplinary authority;
  - 2) When exercising disciplinary authority, action shall be calculated to aid in the rehabilitation of licensee, or where, due to lack of continuing education or other reasons, restrict the scope of practice, or order restrictions, as indicated by the evidence; and
  - 3) The intent of the California Legislature is for the Board to seek out licensees who have demonstrated deficiencies in competency and then take actions as indicated to include further education, restrictions from practice, or other means, that will remove those deficiencies. Where rehabilitation and protection are inconsistent, protection shall be paramount.

# Manual Model of Disciplinary Orders and Guidelines

(11<sup>th</sup> Edition 2011)

## ➤ Optional Conditions

➤ Deviation is appropriate when case warrants deviation

- |                           |                      |
|---------------------------|----------------------|
| ➤ Controlled Substances   | Conditions 4 - 9     |
| ➤ Biological Fluid Test   | Conditions 10 and 11 |
| ➤ Courses and Programs    | Conditions 13 – 18   |
| ➤ Psychiatric Evaluations | Condition 20         |
| ➤ Monitoring              | Condition 23         |
| ➤ Third Party Chaperone   | Condition 25         |
| ➤ Prohibited Practice     | Condition 26         |



## Uniform Standards for Substance-Abusing Licensees (2015)

The Board shall use these standards without deviation for individuals determined to be substance-abusing licensee:

- Clinical diagnostic evaluation and reports
- Notice of employer or supervisor information
- Biological fluid testing
- Substance abuse support group meeting
- Worksite monitor

# Uniform Standards for Substance-Abusing Licensees (2015)

- Violation of Probation - Substance-Abusing Licensee
  - Major violation
    - 1) Cease practice order
    - 2) Increase frequency of biological fluid testing
    - 3) Refer for further disciplinary action
  - Minor violation
    - 1) Cease practice order
    - 2) Practice limitations
    - 3) Increase supervision
    - 4) Increase documentation
    - 5) Cite and fine or warning letter
    - 6) Undergo clinical diagnostic evaluation
    - 7) Take other action determined by Board or designee

# Enhancements

- Approval to hire an additional Staff Services Manager II.
- Implementation of random quality assurance case reviews.
- Restructured duties performed by analysts to provide oversight of licensees subjected to biological fluid testing and requirements for specific training or education levied with issuance of public reprimands.
- Inspector IIIs are responsible for monitoring the PC 23 and ISO restrictions/conditions imposed.

# Enhancements (cont'd)

- Review of all form letters, templates and checklists to ensure they are up to date with current policies and procedures.
- Improve the way the transmittal packets are written to include the gathering of evidence to support a violation of probation.
- Added language to the Board's public letter of reprimand to include timeframes for completion of courses and added language that non-compliance may result in further disciplinary action for unprofessional conduct.
- Examining the biological ETG/ETS threshold that alerts or demonstrates that someone has significant consumption of alcohol.

# Questions

