

Agenda Item #7

Priorities Established in Business and Professions Code Section 2220.05

In 2003, Section 2220.05 was added to the Business and Professions Code which established priorities for the Medical Board's investigative and prosecutorial resources as follows:

- **Gross negligence, incompetence, or repeated negligent acts that involve death or serious bodily injury to one or more patients;**
- **Drug or alcohol abuse by a physician involving death or serious bodily injury to a patient;**
- **Repeated acts of clearly excessive prescribing of controlled substances, or repeated acts of prescribing or dispensing of controlled substances without a good faith prior exam or a medical reason;**
- **Sexual misconduct with one or more patients during a course of treatment or an examination;**
- **Practicing medicine while under the influence of drugs or alcohol.**

The Board also considers complaints with the following allegations as “urgent”, receiving the next highest priority:

- Physician impairment (mental/physical illness)
- Self-use of drugs or alcohol
- Hospital Discipline or 805 reports
- Unlicensed practice of medicine
- Aiding and abetting unlicensed practice
- Felony/Criminal convictions
- Complaints involving physicians on board-ordered probation

Complaint allegations that do not meet the criteria of urgent/highest priority

- Advertising Issues/FNP (Fictitious Name Permit) Issues
- CII Reports—(arrests and misdemeanor convictions)
- Conditions of office and staff issues
- Failure to provide medical records to patient
- Failure to sign death certificate
- Fraud/Billing Issues; alteration of medical records
- Non accreditation of Outpatient Surgery Center
- Patient abandonment
- Patient complaints that do not involve patient injury
- Physician demeanor/breach of confidentiality
- Workers Compensation/Independent Evaluation Issues