

ENFORCEMENT PROCESS OVERVIEW

ROLE/RESPONSIBILITIES OF THE PHYSICIANS IN THE ENFORCEMENT PROCESS

SELECTION CRITERIA FOR ALL MEDICAL REVIEWERS

MBC HISTORY

- Possess a current California medical license in good standing
- No prior discipline
- No accusations pending
- No complaint history within the last 3 years

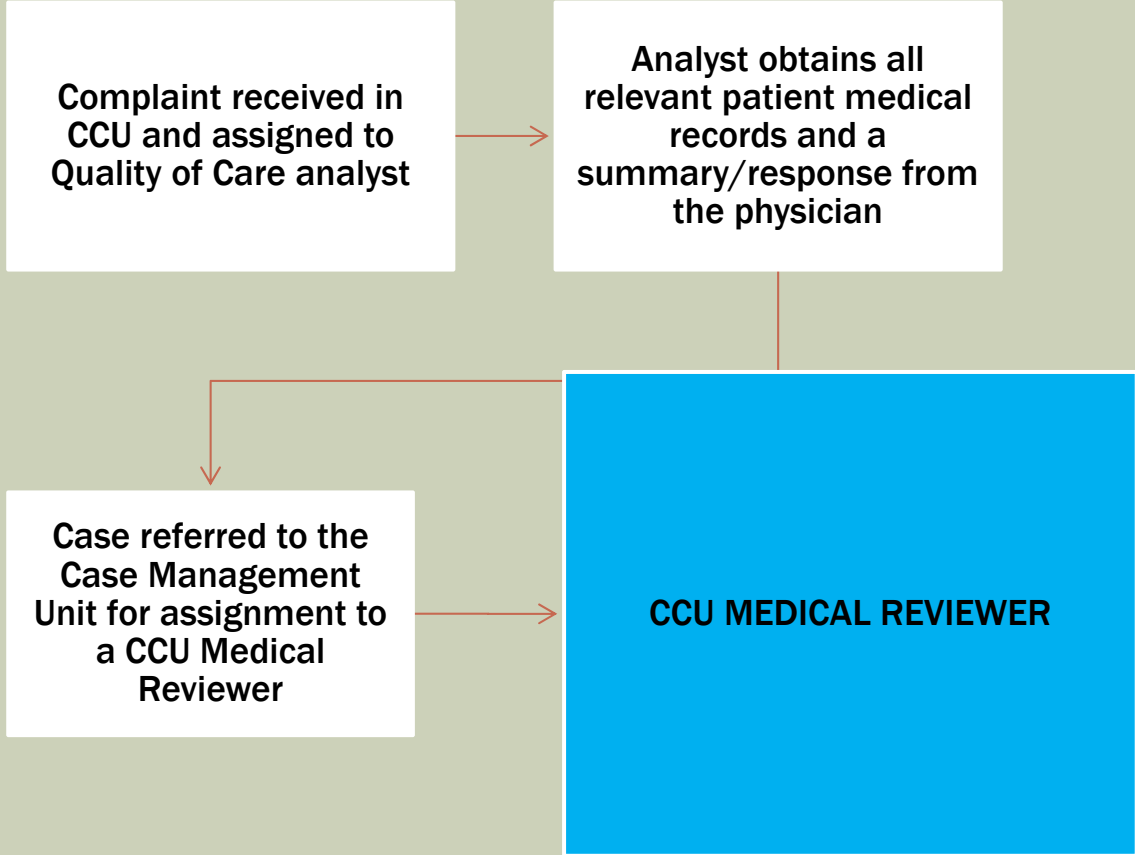
SPECIALTY EXPERTISE

- Board certification in one of the 24 ABMS specialties

PRACTICE REQUIRED

- Active practice or retired within the last 2-3 years

CENTRAL COMPLAINT UNIT



Case Management

Initial Review

- The case file and the physician's CV are reviewed to identify the physician's practice specialty. The analyst must also identify the type of treatment that was provided to ensure the CCU Reviewer has expertise in that area

Reviewer Identification

- The case management analyst reviews the CCU database to identify if any **CCU Medical Reviewers** are available with the requisite experience or expertise.
- When an available **CCU Medical Reviewer** with the requisite expertise is identified, the prospective reviewer is contacted by phone or email to discuss the assignment
- Most reviewers receive at least 2 cases per assignment

Follow-Up

- Case file is shipped to the **CCU Medical Reviewer** through overnight delivery service
- Analyst follows up with Medical Reviewer if case is not returned within 3 weeks.
- Total Number of cases reviewed in 2011/2012:
- Average number of days to complete review:

Pursuant to Business and Professions Code Section 2220.08

(a) Except for report received by the board pursuant to Section 805 that may be treated as complaints by the board and new complaints relating to a physician and surgeon who is the subject of a pending accusation or investigation or who is on probation, any complaint determined to involve quality of care, before referral to a field office for further investigation, shall meet the following criteria:

(1) It shall be reviewed by one or more medical experts with the pertinent education, training, and expertise to evaluate the specific standard of care issues raised by the complaint to determine if further field investigation is required.

Composition of CCU Expert Pool

Medical Specialty	No. of consultants
Anesthesiology	14
Cardiology	13
Dermatology	4
ENT/Otolaryngology	3
Gastroenterology	4
Family Practice	16
Hematology/Oncology	7
Internal Medicine	31
Midwife	1
Obstetrics/Gynecology	12
Ophthalmology	7
Orthopedics	6
Neurology	5
Neurological Surgery	4
Pathology	2
Pediatrics	11
Plastic Surgery	2
Psychiatry	12
Radiology (interventional)	4
Radiology (diagnostic)	5
Surgery	15
Urology	6
Total No. of Consultants	184

CCU MEDICAL REVIEWER

**No Violation/
No Departure**

- No departure from the standard of practice or any other misconduct by the physician. The complaint is closed by CCU without further investigation.

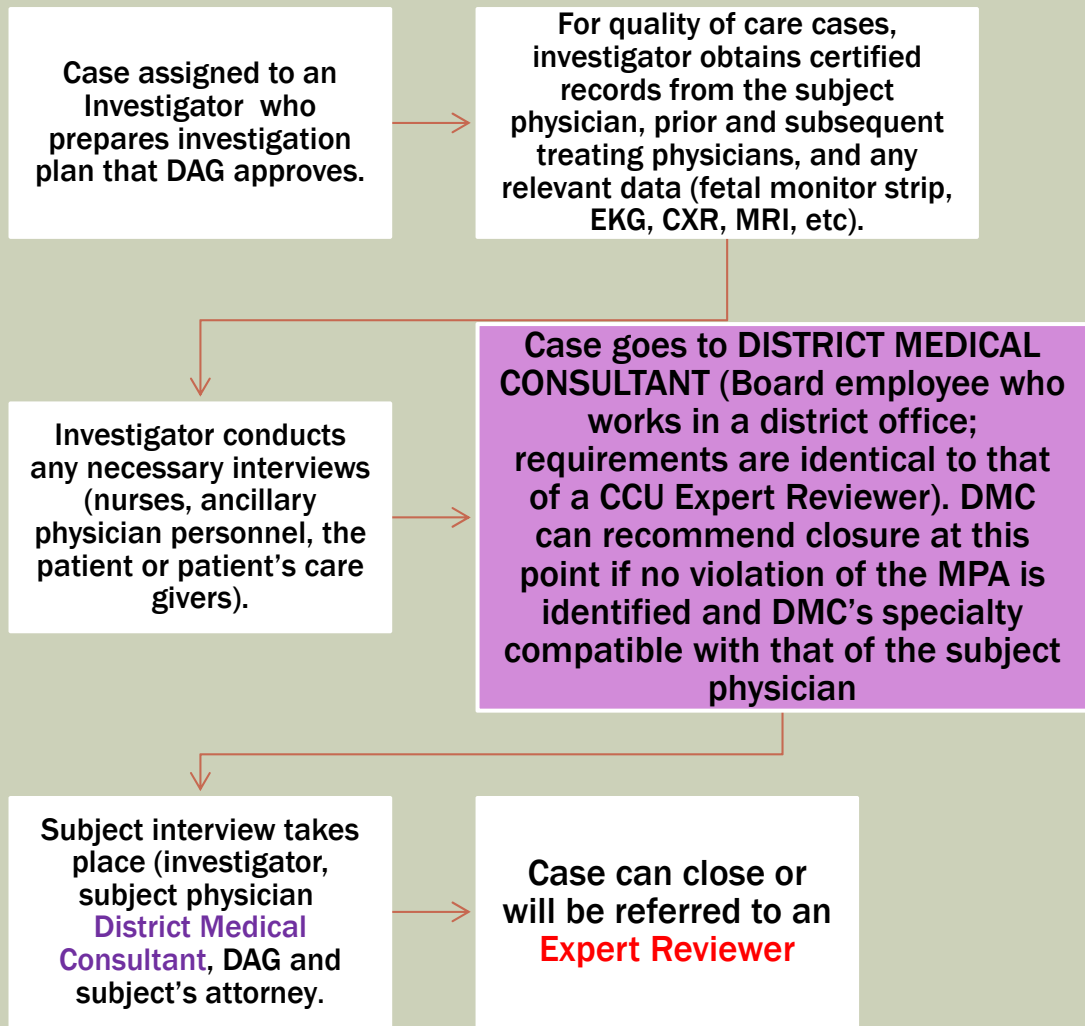
Simple Departure

- Physician's conduct deviated from the standard of practice but does not warrant further investigation. The complaint is closed by CCU and retained for 5 years.

**Refer for further
investigation**

- Care found to potentially represent an extreme departure from the standard of practice. The complaint is referred for further investigation.

THE FIELD INVESTIGATION



SELECTION OF EXPERT REVIEWER

http://165.235.24.248/ExpertReviewerProgram/ Expert Reviewer Master Page

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STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

STATE OF CALIFORNIA
Medical Board of California
Expert Reviewer Program

STATE OF CALIFORNIA
1876
MEDICAL BOARD OF CALIFORNIA

Search By Last Name

Primary Specialties

- ADDICTION MEDICINE
- AEROSPACE MEDICINE
- ALLERGY & IMMUNOLOGY
- ANESTHESIOLOGY
- BIOETHICS
- CARDIOLOGY
- COLON & RECTAL SURGERY
- COMPLEMENTARY/ ALTERNATIVE/ INTEGRATIVE MEDICINE
- CORRECTIONAL MEDICINE/HEALTHCARE
- DERMATOLOGY
- EMERGENCY MEDICINE
- ENDOCRINOLOGY, DIABETES & METABOLISM
- ETHICS
- FAMILY MEDICINE
- Forensic Document Examiner
- GASTROENTEROLOGY- HEPATOLOGY

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Desktop Wednesday 2/12/2012



Medical Board of California Expert Reviewer Program



Search By Last Name

Clear Results

Primary Specialties

- PEDIATRIC HEMATOLOGY-ONCOLOGY
- PEDIATRIC NEPHROLOGY
- PEDIATRIC PULMONOLOGY
- PEDIATRIC SURGERY
- PEDIATRICS
- PHYSICAL MEDICINE & REHABILITATION
- PLASTIC SURGERY
 - ACLS CERTIFIED
 - AESTHETIC SURGERY
 - BREAST SURGERY
 - BURN RECONSTRUCTION/BURN CARE
 - CO2 LASER
 - COSMETIC SURGERY
 - ENDOSCOPY/ENDOSCOPIC COSMETIC SURGERY
 - FACIAL PLASTIC & RECONSTRUCTIVE SURGERY
 - HAIR TRANSPLANTS

Profile Info	County	Last Name	First Name	In Use	Flagged	Rating AVG	Cases	License	License Status	Zip
Click Here	Los Angeles	Vipond	Gregory	Available	OK TO USE			A100020	License Renewed & Current	910
Click Here	San Diego	Hilinski	John	Available	OK TO USE		2	A63027	License Renewed & Current	921
Click Here	Los Angeles	Anastas...	John	Available	OK TO USE	5	6	A92907	License Renewed & Current	902
Click Here	Los Angeles	Oyama	Mark	Unavaila...	OK TO USE	4	4	G 61877	License Renewed & Current	900
Click Here	El Dorado	Rice, Jr.	Reginald	Available	OK TO USE	3	2	G 70357	License Renewed & Current	956
Click Here	San Francisco	Maas	Corey	Available	OK TO USE			G 71163	License Renewed & Current	941
Click Here	Alameda	Kabaker	Sheldon	Available	OK TO USE			G12959	License Renewed & Current	946
Click Here	Los Angeles	Pincus	Stephen	Available	OK TO USE	5	3	G21830	License Renewed & Current	902

REVIEW/APPROVAL OF EXPERT REVIEWER

Investigator provides DAG with CVs of two proposed **Expert Reviewers**

DAG approves **Expert Reviewer**

Investigator does background check on **Expert Reviewer** – must have no complaints or lawsuits. Investigator or Medical Consultant contacts **Expert Reviewer**. Confirms expert has expertise in this area at the time of the procedure; discusses the volume of materials; time constraints. Expert can either accept or decline case

Investigator prepares expert package to exclude materials that might bias the expert. Supervisor and DAG review this package

EXPERT REVIEWER receives case for opinion. This is a person with whom we contract (NOT an employee). This person will be the one who testifies in a hearing, if necessary.

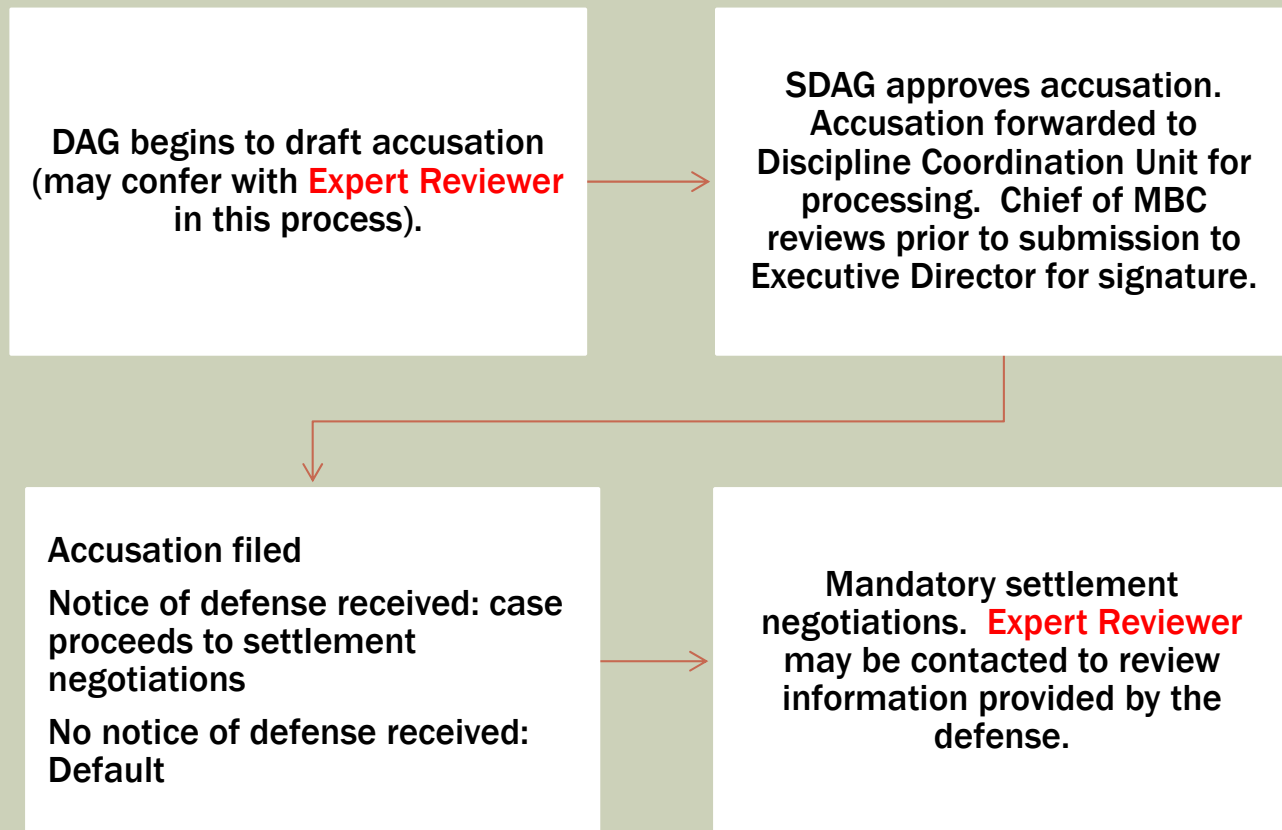
Opinion received.
No departure: closed
Simple Departure: may close or transmit to AG
Extreme departure/lack of knowledge: transmit to AG

Opinion reviewed by DAG.
Decision made to close or transmit for Accusation

THE OFFICE OF THE ATTORNEY GENERAL

Prosecution

PROSECUTION PROCESS



PROSECUTION PROCESS

Settlement unsuccessful, DAG prepares for trial. This may involve conferring with **Expert Reviewer** re: strategy.

Hearing takes place. **Expert Reviewer** will be called upon to testify.

ALJ writes proposed decision.

Board adopts/non-adopts proposed decision.

Complaint received in CCU and assigned to Quality of Care analyst

Analyst obtains all relevant patient medical records and a summary/response from the physician

Case referred to the Case Management Unit for assignment to a CCU Medical Reviewer

CCU Medical Reviewer recommends referral for further investigation

Case assigned to an Investigator

District Medical Consultant

Interviews Conducted
Medical records obtained, Expert selected.

Expert Reviewer

Case Referred to the AG for an Accusation

Accusation Filed

Hearing held

ALJ Issues proposed decision

PROPOSED DECISION ISSUED

- **Our Expert is identified as the “Complainant’s” Expert**
- **The Physician’s Expert is identified as the “Respondent’s Expert”**