

THREE PHYSICIAN ROLES IN THE ENFORCEMENT PROCESS

- Central Complaint Unit Reviewers – Business and Professions Code section 2220.08 – contracted physicians (approximately 340)
- Medical Consultants – employed by the Department of Consumer Affairs, Division of Investigation – 23 part-time employees
- Medical Expert Reviewers – contracted physicians (approximately 900)

Expert Review for the Medical Board

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Goal

- Provide the members of the Medical Board and interested parties the perspective of one expert medical reviewer.
- How the process works.
- How expert opinions are provided.

Requirements to be an Expert Reviewer

- Current California License.
- Be in good standing.
- No prior discipline.
- No complaint within last 3 years.
- Board Certified (ABMS).
- Minimum of 3 years in practice.
- Active practice.
- Willing to testify.

Expert Reviewer Training Program

- Enforcement Process Overview.
- Expert Review Process.
- Legal Considerations.
- Case Studies.
- Perspective of Defense Counsel.
- Perspective of the Administrative Law Judge.
- Role of the Expert.

Guidelines for Expert Reviewer

- Maintain confidentiality.
- Thorough review of all materials.
- Ask for more information, if needed.
- Prepare a written report in standard format.
- Be available to investigators/medical consultants/attorneys.

Central Complaint Unit

- Role of Expert Reviewer:
 - Assist in the triage of initial complaints.
 - Many sources of complaints, for example:
 - Patient/Family/Friend.
 - 801.01 report of a settlement.
 - Regulatory agency.
 - Pharmacy.
 - Anonymous.

Goal for Expert Reviewer

- An independent review with the goal of determining whether or not a departure from the standard of care has occurred.

First Step

- Awareness for potential conflict of interest.
 - No connection to the complainant, the subject, the facility, institution that is the focus of the complaint.
- Assess whether I can address the question posed in this case.
- Assess whether I have the necessary experience pertinent to this case.

Review Process

- Letter of complaint.
- Response by the subject physician.
- Medical records.

Review Process

- There is always the opportunity to request additional information from the complainant or the subject or to obtain additional medical records.

Writing the Report

- Standardized structure:
 - Identify the subject.
 - Identify the complainant.
 - Summary of the complaint.
 - Summary of the information reviewed.
 - Conclusions.

Recommendations

- Close the case.
- Refer for further action.
- Potential for educational letter.
- Open additional case.

Common Themes

- Negligence/Incompetence.
- Lack of knowledge.
- Excessive prescribing.
- Adverse event.
- Unprofessional conduct.

Report

- Did the subject follow the standards of care?
- Is there clear and convincing evidence of a violation?

Summary

Provide reviews that are:

Independent.

Impartial.

Unbiased.