



State of California  
Medical Board of California  
2005 Evergreen Street, Suite 1200  
Sacramento, Ca 95815  
[www.mbc.ca.gov](http://www.mbc.ca.gov)

# Memorandum

## AGENDA ITEM 4

Date: October 21, 2008  
To: Members of the Education Committee  
From: Candis Cohen, Public Information Officer  
Subject: Discussion of the physician's role in providing notice to patients about the Medical Board of California

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### **Background:**

The former Public Education Committee of the Board previously discussed the issue of whether physicians should be required to inform their patients about the Medical Board and how to contact the Board. The issue has been discussed as follows:

- May 8, 2003 – The issue was first formally raised for discussion and the parameters and some of the implications of such a requirement were outlined by staff.
- July 31, 2003 – The Committee discussed various approaches to informing the public including posting requirements and requiring insurers' to disclose the information about the Board on their patients' paperwork. Staff was asked to find out what other governmental agencies required posting.
- November 6, 2003 – Staff informed the Committee that three other state agencies had a posting requirement: the Board of Pharmacy, since 1990 (their staff did not believe the posters "had any measurable effect"); the Bureau of Automotive Repair, since 1982 (their staff said they believed their posters generate "some" of their complaints); and the Psychology Board, since 1967 (their staff had no opinion of the effectiveness). Two committee members agreed to work informally on the idea, but no other Committee or Board action was taken until 2006.
- November 2, 2006 – The idea was brought up again in response to one of the Board's Enforcement Monitor's recommendations in her November 1, 2004 report (Recommendation 53). The Committee agreed that more information for the public about the Board is necessary. The Chair favored an approach that did not require legislation." The Enforcement Monitor expressed support for the idea, contending that Business and Professions Code section 138 already required the Medical Board to adopt regulations to require physicians to provide this information to consumers. (Counsel for the Department of Consumer Affairs (DCA) opined in 1999 that all DCA healing arts agencies were NOT required to adopt such regulations because Business and Professions Code section 680 appeared to exempt them.)

At the last meeting of the Education Committee on July 24, 2008, Ms. Fellmeth, prior Enforcement Monitor, requested that this issue be agendized for further discussion, and Chair Barbara Yaroslavsky concurred. Attached is information of activities of other states to assist in Committee discussion.

At the request of the Medical Board of California, the FSMB surveyed each of its member medical boards and asked whether any states require physicians to inform their patients (e.g., by posting a notice in the waiting room) of the existence of their state medical board as the entity that licenses them and where patients can file complaints.

Three states replied in the affirmative: Georgia, Idaho, and Texas. One other state was later brought to our attention: Kansas. Other states may have such a requirement, but failed to respond to FSMB's inquiry. Following is information we received about the four states' requirements.

## **Georgia**

360-27-.02 Declaration of Patients' Rights.

(1) Physicians are required to post a declaration of the patient's rights to file a grievance with the Board concerning a physician, staff, office or treatment received.

(2) The declaration shall contain the following language with no alterations, deletions or additions: The patient has the right to file a grievance with the Composite State Board of Medical Examiners, concerning the physician, staff, office and treatment received. The patient should either call the board with such a complaint or send a written complaint to the board. The patient should be able to provide the physician or practice name, the address and the specific nature of the complaint. Complaints may be reported to the Board at the following address or telephone number:

Composite State Board of Medical Examiners  
Attn. Complaints Unit  
No. 2 Peachtree Street, N.W. 36th Floor  
Atlanta, GA 30303  
(404) 656-3913

(3) The declaration shall be prominently displayed in a sign that is 8 1/2 inches × 11 inches in type that is no smaller than 24 point Times Roman print in black on white background. It shall be displayed in the physician's waiting room in an area that is not obstructed and can be easily viewed by patients.

EXHIBIT A  
NOTICE OF PATIENTS' RIGHTS

The patient has the right to file a grievance with the Composite State Board of Medical Examiners concerning the physician, staff, office and treatment received. The patient should either call the board with such a complaint or send a written complaint to the board. The patient should be able to provide the physician or practice name, the address and the specific nature of the complaint. You may report complaints to the Board at the following address or telephone number:

Composite State Board of  
Medical Examiners  
Attn. Complaints Unit  
No. 2 Peachtree Street, NW 36th Floor  
Atlanta, GA 30303  
(404) 656-3913

**Idaho**

Idaho does not have a specific reference in the Medical Practice Act but the state's profile law has a requirement for signs/brochures, and those brochures have information on how to contact the respective licensing board.

PATIENT FREEDOM OF INFORMATION

54-4604. INFORMATION AND ACCESS TO PROVIDER PROFILE INFORMATION. Then boards and providers subject to the provisions of this chapter shall inform the public that provider profile information is available and make the information available upon request. The boards and providers shall fully implement the provisions of this chapter no later than January 1, 2000. The boards and providers shall be responsible for promoting public awareness of and access to provider profiles as provided in this chapter, which shall include the creation of printed materials and signs to be available in board and provider offices. Profile information on individual providers shall be available at the office(s) of the provider, and their respective board, in written form, upon request, and

electronically where available, and shall be considered public information.

## **Kansas**

The Kansas Board of Healing Arts adopted a regulation in November 2007 requiring licensees to post the following notice “in a conspicuous location where the notice is reasonably likely to be seen by persons who receive direct patient care in the office:” (K.A.R. 100-22-6)

### **NOTICE TO PATIENTS**

It is unlawful for any person who is not licensed under the Kansas health arts act to open or maintain an office for the practice of the healing arts in this state. This office is maintained under the authority of a person who is licensed to practice the healing arts in Kansas. Questions and concerns regarding this professional practice may be directed to:

#### **KANSAS STATE BOARD OF HEALING ARTS**

235 S. Topeka Blvd.

Topeka, KS 66603

PHONE: 785-296-7413

TOLL FREE: 888-886-7205

FAX: 785-296-0852

WEBSITE: [www.ksbha.org](http://www.ksbha.org)

## **Texas**

### **Health Professionals Office Posters**

#### **Complaint Notice Posters**

Chapter 178 of the Board Rules requires posting of a notice of complaint procedure in English and Spanish. The signs must be displayed prominently, supplied with all bills for services, and/or placed on all registration forms, applications or contracts. These posters are for physicians to print and post in their offices.

(Please see copies of the poster in English and Spanish on following pages.)

## **NOTICE CONCERNING COMPLAINTS**

Complaints about physicians, as well as other licensees and registrants of the Texas Medical Board, including physician assistants, acupuncturists, and surgical assistants may be reported for investigation at the following address:

**Texas Medical Board  
Attention: Investigations  
333 Guadalupe, Tower 3, Suite 610  
P.O. Box 2018, MC-263  
Austin, Texas 78768-2018**

Assistance in filing a complaint is available by calling the following telephone number:

**1-800-201-9353**

For more information please visit our website at **[www.tmb.state.tx.us](http://www.tmb.state.tx.us)**

## **AVISO SOBRE LAS QUEJAS**

Las quejas sobre médicos, así como sobre otros profesionales acreditados e inscritos en la Junta de Examinadores Médicos del Estado de Texas, incluyendo asistentes de médicos, practicantes de acupuntura y asistentes de cirugía, se pueden presentar en la siguiente dirección para ser investigadas:

**Texas Medical Board  
Attention: Investigations  
333 Guadalupe, Tower 3, Suite 610  
P.O. Box 2018, MC-263  
Austin, Texas 78768-2018**

Si necesita ayuda para presentar una queja, llame al:  
**1-800-201-9353**

Para obtener más información, visite nuestro sitio web en  
**[www.tmb.state.tx.us](http://www.tmb.state.tx.us)**