

ENFORCEMENT PROCESS OVERVIEW

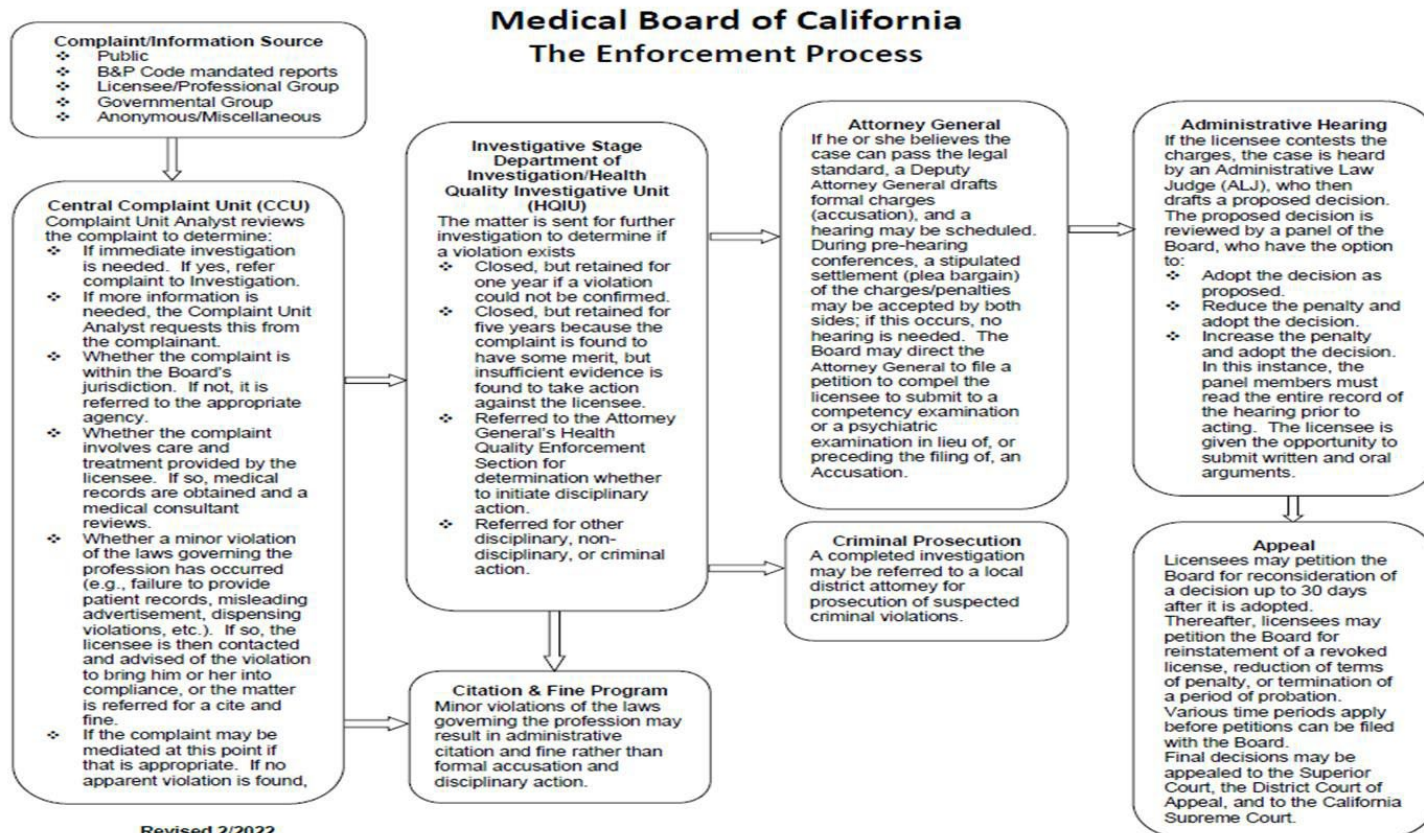


MISSION AND HIGHEST PRIORITY

- ▶ The mission of the Medical Board of California is to protect healthcare consumers and prevent harm through the proper licensing and regulation of physicians and surgeons and certain allied healthcare professionals and through the vigorous, objective enforcement of the Medical Practice Act, and to promote access to quality medical care through the Board's licensing, policy, and regulatory functions.



ENFORCEMENT PROCESS OVERVIEW



Revised 2/2022



COMPLAINT REVIEW PROCESS

Complaint is received from:

- ▶ Public (patient, patient's family, friend, etc.)
- ▶ Mandated Report
- ▶ Licensee
- ▶ Government Agency
- ▶ Anonymous / Miscellaneous



Medical Board of California
Consumer Complaint Form

Enforcement Program
2005 Evergreen Street, Suite 1200
Sacramento, CA 95815-5401
Phone: (916) 263-2528
Fax: (916) 263-2435
www.mbc.ca.gov

COMPLAINT REGISTERED AGAINST			
Check one: <input type="checkbox"/> Physician (MD) <input type="checkbox"/> Podiatrist (DPM) <input type="checkbox"/> Physician Assistant (PA) <input type="checkbox"/> Midwife			
<input type="checkbox"/> Polysomnographer <input type="checkbox"/> Research Psychoanalyst <input type="checkbox"/> Unlicensed Provider			
Subject Information			
Last Name	First Name	Middle Initial	Provider's License Number
Office/Facility Name			Phone Number
Street Address			
City		State	Zip Code
PERSON REGISTERING COMPLAINT			
Last Name	First Name	Middle Initial	
Street Address			
City		State	Zip Code
Phone Number	Email Address		
PATIENT INFORMATION			
Patient's Name			Patient's Date of Birth



COMPLAINT REVIEW PROCESS

Central Complaint Unit

Triage allegations



COMPLAINT REVIEW PROCESS

Midwifery Complaints


- ▶ Transfer of Planned Out-of-Hospital Delivery to Hospital
- ▶ Negligent care/treatment
- ▶ Patient Abandonment



COMPLAINT REVIEW PROCESS

Contact patient (or designee) for authorization to obtain records

Contact midwife for treatment summary and medical records

 Medical Board of California
**Authorization for Release of Information
for the Subject of the Complaint**

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CHECK ALL RECORD TYPES THAT APPLY

Medical Records Diagnostic Images
 HIV/AIDS Alcohol/Drug Abuse
 Psychiatric

PATIENT INFORMATION

Patient Name

Date of Birth

Date of Death (If applicable)

Medical Record Number (If known)

Control Number

Continued on Page 2



COMPLAINT REVIEW PROCESS

Midwifery consultant review
(upfront expert)

Possible Complaint Unit
Outcomes:

Close case

Refer for formal
investigation

Issue a citation and fine



INVESTIGATION PROCESS

Formal Investigation (objective):

- Obtain all medical records
- Interview all witnesses – patient, prior or subsequent treating physicians, nurses, etc.
- Interview midwife



INVESTIGATION PROCESS

Quality of Care Cases:

- Request records (release vs. Subpoena)
- Interviews witnesses/patient
- Interview midwife
- Submit for expert review



INVESTIGATION PROCESS

Other types of cases:

- ▶ Obtain police reports
- ▶ Obtain court documents
- ▶ Request an evaluation



INVESTIGATION PROCESS

Possible Investigation Outcomes:

- Close case
- Issue citation and fine
- Refer for disciplinary action
- Refer for criminal action

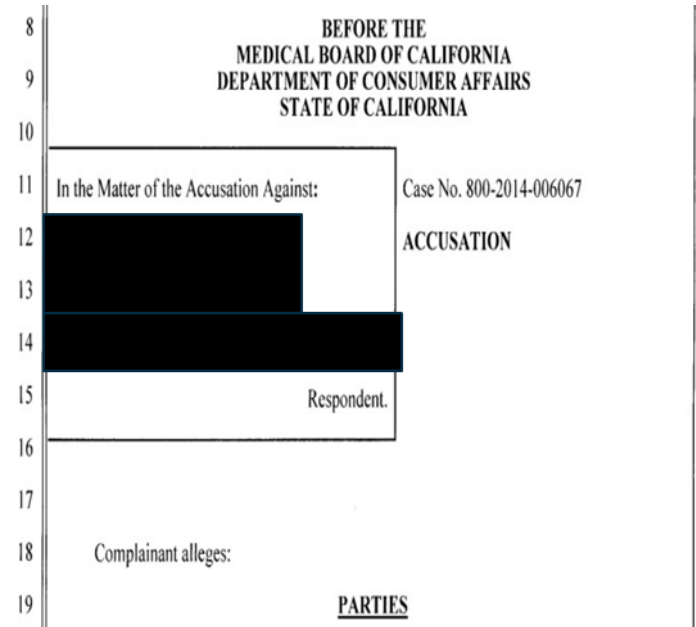


DISCIPLINARY PROCESS

- ▶ Accusation filed

First public document unless suspension issued

- ▶ Notice of Defense



DISCIPLINARY PROCESS



- ▶ Three types of decisions:
 - ▶ 1. Stipulated Settlement
 - ▶ 2. Administrative Hearing
 - ▶ 3. Default Decision



DISCIPLINARY PROCESS

All decisions go to a Panel of the Board, except Surrender of License and Default Decisions:

- Adopt
- Non-adopt
- Reject



DISCIPLINARY PROCESS

Disciplinary outcomes:

- ▶ **Revocation/Surrender**
- ▶ **Probation (with terms and conditions)**
Conditions may include, (but not be limited to):
 - Educational Programs
 - Prohibited Practices
 - Prescribing Restrictions
 - Practice/Billing Monitor
- ▶ **Suspension**
- ▶ **Public Reprimand**
- ▶ **Accusation Withdrawn/Dismissed**



ENFORCEMENT STATISTICS (FY 2022/2023)

▶ Complaints Received	25
▶ Investigations Opened	11
▶ Disciplinary Actions Taken	10



FINAL REPORTING

- ▶ Board's Website
- ▶ National Practitioner's Database
- ▶ Newsletter



ENFORCEMENT PROCESS OVERVIEW



Thank you!

