

2009 - 2010 ANNUAL REPORT

Medical Board of California

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Executive Summary

In December 2009 the Medical Board initiated a new system to allow licensing applicants to look up on the Board's Web site the status of their application. By entering this secure Web site, applicants are able to view those documents required by the Board for licensure. The applicant information screen tells the applicant what documents have been received by the Board and which ones are missing. Additionally, files that have been reviewed will reflect documents found to be deficient and ones that have been approved. The implementation of this system allows applicants to access their application information at their convenience without having to contact

the Board. This is one of many recent system improvements to streamline and expedite the licensing process.

Board staff also expanded its licensing outreach program to more teaching hospitals, and began outreach to physician recruiters. A Board representative explains the licensing process and especially how applications are reviewed, and assists individuals who have specific questions. This helps applicants identify potential problems they may face and assists the Board's staff by promoting the receipt of more properly prepared applications, again expediting the application process.

On June 23, 2010, a new regulation by the Medical Board became effective: Title 16, California Code of Regulations, Section 1355.4 -- Notice to Consumers. This regulation requires all California-licensed physicians to notify their patients that they are licensed and regulated by the Medical Board, with the Board's (800) phone number and Web site. This may be done by prominently posting a sign or by giving the information in writing to each patient. The new requirement serves the public by informing consumers where to go for information or to complain about a California medical doctor.

Current Physician and Surgeon Licenses by County

Data reflects physicians with a renewed and current license excluding those in an inactive, retired, or disabled license status. The breakdown of those license statuses is: California - 2,560, Out of State - 3,855, Total - 6,415.

Alameda	4,425	Inyo	42	Monterey	853	San Luis Obispo	776	Trinity	9
Alpine	2	Kern	1,098	Napa	464	San Mateo	2,697	Tulare	484
Amador	65	Kings	137	Nevada	303	Santa Barbara	1,154	Tuolumne	125
Butte	461	Lake	77	Orange	9,177	Santa Clara	6,967	Ventura	1,656
Calaveras	49	Lassen	37	Placer	947	Santa Cruz	676	Yolo	515
Colusa	10	Los Angeles	27,255	Plumas	30	Shasta	439	Yuba	41
Contra Costa	2,967	Madera	187	Riverside	2,734	Sierra	0	California total	98,816
Del Norte	44	Marin	1,449	Sacramento	4,264	Siskiyou	80	Out-of-State total	23,635
El Dorado	288	Mariposa	11	San Benito	43	Solano	864	Total current licenses	122,451
Fresno	1,805	Mendocino	206	San Bernardino	3,495	Sonoma	1,321		
Glenn	11	Merced	230	San Diego	9,365	Stanislaus	898		
Humboldt	291	Modoc	5	San Francisco	5,858	Sutter	196		
Imperial	129	Mono	30	San Joaquin	1,026	Tehama	48		

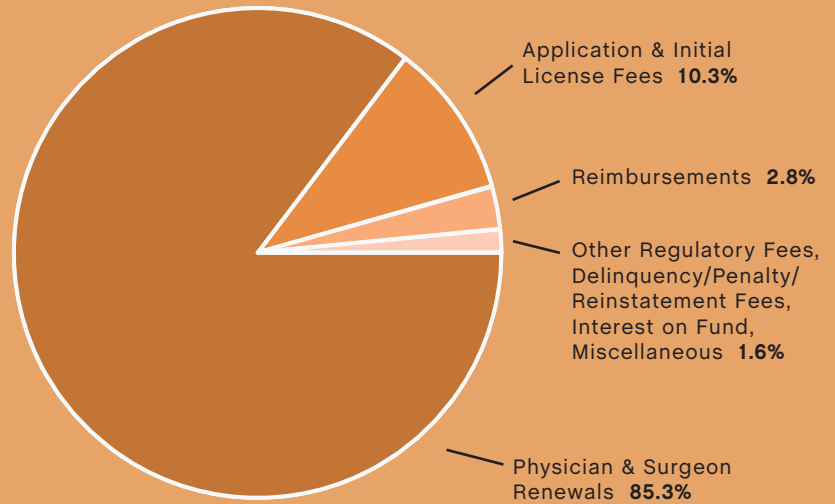
The mission of the Medical Board of California

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

Medical Board of California 2009–2010 Fiscal Year

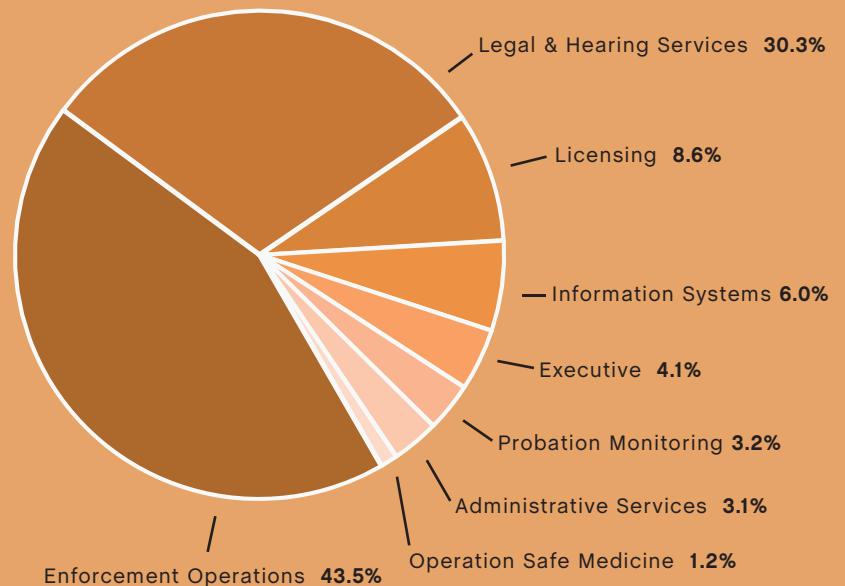
Revenues & Reimbursements

Physician & Surgeon Renewals	\$44,456,000
Application & Initial License Fees	5,340,000
Reimbursements	1,480,000
Other Regulatory Fees, Delinquency/ Penalty/Reinstatement Fees, Interest on Fund, Miscellaneous	819,000
Total Receipts	\$52,095,000



Budget Distribution

Enforcement Operations	\$21,519,000
Legal & Hearing Services	15,020,000
Licensing	4,262,000
Information Systems	2,953,000
Executive	2,030,000
Probation Monitoring	1,589,000
Administrative Services	1,558,000
Operation Safe Medicine	567,000
Total	\$49,498,000



Licensing Program

The Medical Board of California's Licensing Program continues to achieve its mission of protecting the health care of consumers through the proper licensing of physicians and surgeons and certain affiliated healing arts professionals. The Licensing Program also issues fictitious name permits, and licenses non-nurse midwives, research psychoanalysts, spectacle and contact lens dispensers, and registered dispensing optician businesses. It also approves accreditation agencies that accredit outpatient surgical centers in which general anesthesia is being used.

During the last fiscal year, the Licensing Program received 5,964 new physicians' and surgeons' applications and issued 5,110 licenses. In addition, during this reporting period the Licensing Program eliminated the backlog of physicians' and surgeons' applications not reviewed within the 60 working days regulatory time frame. The time frames for initial review of applications continue to stay well below the mandated time frames. This is due primarily to outstanding outreach efforts and the dedication, hard work, and team efforts of Medical Board staff. Staff continues to streamline workload and explore avenues for improving the licensing process.

Licensing Program Activity

	FY 08-09	FY 09-10		FY 08-09	FY 09-10
Physician Applications Received	6,169	5,964	Special Faculty Permits		
Physician Licenses Issued			Permits issued	3	2
FLEX/USMLE ¹	4,025	4,357	Permits renewed	5	5
NBME ¹	275	266	Total active permits	12	14
Reciprocity with other states	388	487	Licensing Enforcement Activity		
Total new licenses issued	4,688	5,110	Licenses Issued with Public Letter of Reprimand	6 ⁵	7
Renewal licenses issued – with fee	55,687	56,066	Probationary license granted	10	19
Renewal licenses issued - fee exempt ²	5,088	4,748	License denied (no hearing requested)	4	3
Total licenses renewed	60,775	60,814	Statement of Issues to deny license filed	9	2
Physician Licenses in Effect³			Statement of Issues granted (license denied)	0	3
California address	99,900	98,816	Statement of Issues denied (license granted)	3	3
Out-of-state address	27,536	23,635	Statement of Issues withdrawn	5	1
Total	127,436	122,451			
Fictitious Name Permits					
Issued	1,299	1,118 ⁴			
Renewed	4,486	4,968			
Total number of permits in effect	12,312	12,549			

¹ FLEX: Federation Licensing Examination
 USMLE: United States Medical Licensing Examination
 NBME: National Board Medical Examination
² Includes physicians with disabled, retired, military, or voluntary service license status
³ Reporting for FY 09/10 excludes physicians with inactive, retired, or disabled license status
⁴ Includes 18 FNPs issued on behalf of the Board of Podiatric Medicine
⁵ Pursuant to B&P Code §2221.05 effective 01/01/09

Verification & Reporting Activity Summary

Application Status Verifications	FY 08-09	FY 09-10
WAAS application look-up ¹	n/a	39,405
License Status Verifications		
Telephone verifications	27,900	15,371
Non-verification telephone calls	53,123	70,334 ²
Authorized LVS ³ Internet users	641	575
Online LVS ³ access verifications	2,296,316	2,331,033
Web license look-up	6,673,801	7,702,498
Certification Letters and Letters of Good Standing	12,205	11,791
Reporting Activities		
B&P Code §805 reports of health facility discipline received	125 ⁷	99 ⁸
Disciplinary reports mailed to health facilities upon written request pursuant to B&P Code §805.5	536	532
Adverse Actions reported to the NPDB ⁴	439 ⁵	547 ⁶

Allied Health Care Professions Licenses/Registrations

	Issued	Current
Licensed Midwife	20	219
Dispensing Optician	142	1,146
Contact Lens Dispenser	98	874
Non-Resident Contact Lens Seller	1	12
Spectacle Lens Dispenser	221	2,130
Research Psychoanalyst	3	87
Accreditation Agencies for Outpatient Settings	0	4
Podiatrist	59	2,122 ⁹

¹ WAAS: Web Applicant Access System – reporting started 1/28/10
² Does not include the 20,447 listed under Consumer Inquiries on page vi
³ LVS: Licensing Verification System
⁴ NPDB: National Practitioner Data Bank
⁵ Includes 406 MDs, 7 Podiatrists, 26 Physician Assistants

⁶ Includes 473 MDs, 9 Podiatrists, 26 Physician Assistants, 21 Registered Dispensing Optician Program Registrants, 7 Licensed Midwives and 11 Denials by Licensing Program
⁷ Includes 122 MDs and 3 Podiatrists
⁸ Includes 99 MDs and 0 Podiatrists
⁹ Includes fee-exempt licenses

2009 Licensed Midwife Annual Report Summary¹

	2008	2009
Clients served as primary caregiver at the onset of care	2,774	3,023
Clients served with collaborative care available through or given by a licensed physician and surgeon	976	1,461
Clients served under the supervision of a licensed physician and surgeon	285	285
Planned out-of-hospital births at the onset of labor	2,278	1,974
Planned out-of-hospital births completed in an out-of-hospital setting:	1,885	1,621
Twin Births	16	8
Multiple Births (other than Twin Births)	0	2
Breech Births	18	11
VBAC (vaginal births after the performance of a Cesarean section)	100	90
Complications resulting in the mortality of the mother	1	1
Complications resulting in the mortality of the infant	4	4
Antepartum		
Primary care transferred to another health care practitioner (elective)	244	209
Urgent or emergency transport of expectant mother	54	56
Intrapartum		
Elective hospital transfer	317	282
Urgent or emergency transfer of an infant or mother	33	42
Postpartum		
Elective hospital transfer	51	32
Urgent or emergency transfer of an infant or mother	29	27

¹ Updated March 2010 per Midwifery Advisory Council. Conclusions should not be drawn from this summary as data does not specify whether the death is fetal, intrapartum or neonatal; whether the affected perinate had congenital anomalies incompatible with life; or whether the perinate was born in or out of a hospital. Births are attended by the licensed midwife as the primary caregiver.

Enforcement Program

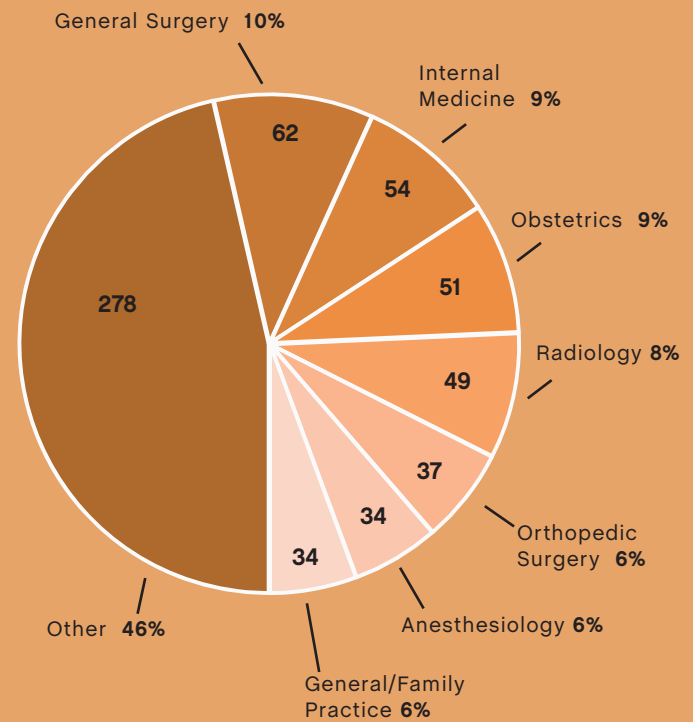
The highest priority for the Enforcement Program, during fiscal year 09/10, was the reduction of the average time to complete investigations, from the receipt of complaint through the entire disciplinary process. The statistics support success in achieving a 21-day decrease in the average number of days to investigate, despite unprecedented operational challenges. The reduction of the average time to complete investigations remains a priority in this fiscal year along with continuing improvements to quality and process efficiencies. There were 119 more cases that were referred to the Office of the Attorney General for disciplinary action in this fiscal year compared to last fiscal year. Additionally, administrative outcomes resulting in the surrender of a license more than doubled, which suggests improvement in the quality of cases being referred for prosecution.

Public Letters of Reprimand increased 43 percent this year, largely due to the passage of AB1070 (Hill, Chapter 505, Statutes of 2009), a bill sponsored by the Board. The bill allows an administrative law judge to recommend that a licensee is issued a public reprimand including additional requirements for education and training, and was a significant achievement in the ongoing pursuit of promoting public safety.

The Enforcement Program re-established its Operation Safe Medicine (OSM) in July 2009. This small unit of four investigators is achieving great success as a result of its efforts to investigate allegations of unlicensed practice of medicine. OSM is currently investigating approximately 70 complaints of unlicensed and unsafe practice resulting in significant accomplishments, including contributing to a 30 percent increase in cases being referred for criminal prosecution.

Malpractice Settlement Reports Received Per Business and Professions Code Section 801.01 by Specialty Practice

Specialty/Subspecialty	No. of Reports ¹	No. of Physicians ²
Anesthesiology	34	5,029
Cardiology	22	
Colon and Rectal Surgery	1	155
Dermatology	7	
Emergency Medicine	22	3,463
Endocrinology	1	
Gastroenterology	20	1,341
General/Family Practice	34	
General Surgery	62	4,034
Gynecology	26	
Hematology	3	802
Infectious Disease	3	
Internal Medicine	54	21,183
Neonatal/Perinatal Medicine	3	
Nephrology	1	1,046
Neurological Surgery	26	
Neurology	10	1,588
Obstetrics	51	4,866
Oncology	4	1,997
Ophthalmology	9	2,653
Orthopedic Surgery	37	2,975
Otolaryngology	8	1,414
Pain Medicine	2	477
Pathology	21	2,413
Pediatrics	17	9,124
Physical Medicine & Rehabilitation	1	867
Plastic Surgery	22	1,006
Psychiatry	15	5,184
Pulmonology	6	1,323
Radiology	49	4,395
Thoracic Surgery	6	670
Urology	15	1,210
Vascular Surgery	7	232



Reports Per Business and Professions Code Section 805

Total Reports Received 99

Peer Review Body Type

Health Care Facility/Clinic	63
Hospital/Clinic	0
Surgical Center	0
Health Care Service Plan	17
Professional Society	0
Medical Group/Employer	19

Outcomes of Reports Received

Accusation Filed	0
Pending Disposition ¹	71
Cases Closed	28

¹ Includes 2 cases in which a suspension order was issued and 1 in which a citation was issued

¹ The procedure was performed in the practice specialty/subspecialty; however, the physician may or may not have been certified in the specialty/subspecialty area

² California physicians certified in specialty according to the American Board of Medical Specialties 2009 Certificate Statistics report

Enforcement Program Action Summary

Physicians & Surgeons

	FY 08-09	FY 09-10
Complaints/Investigations¹		
Complaints received	6,437	6,539
Complaints closed by Complaint Unit	5,303	5,251
Investigations		
Cases opened	1,123	1,312
Cases closed	1,100	1,290
Cases referred to the Attorney General (AG)	450	569
Cases referred for criminal action	27	35
Number of probation violation reports referred to the AG	27	32
Consumer Inquiries		
Consumer inquiries	15,699	20,447
Jurisdictional inquiries	8,634	11,246

Enforcement Processing Time Frames

Average and median time (calendar days) in processing complaints during the fiscal year, for all cases, from date of original receipt of the complaint, for each stage of discipline, through completion of judicial review:

	FY 08-09		FY 09-10	
	AVG	MED	AVG	MED
Complaint Unit processing	75	63	76	63
Investigation	349	309	328	292
AG Processing to preparation of an accusation	103	63	106	66
Other stages of the legal process (e.g., after charges filed)	381	311	368	312

Enforcement Field Operations Caseload²

	Statewide	Per Investigator
Active investigations	1,288	17
AG assigned cases ³	560	7
Probation Unit Caseload⁴		
Monitoring Cases ⁵	399	27

¹ Some cases closed were opened in a prior fiscal year

² Includes physicians and surgeons, licensed midwives, research psychoanalysts, dispensing opticians, podiatrists, physician assistants, psychologists, and osteopathic physicians and surgeons

³ These cases are at various stages of AG processing and may require supplemental investigative work, such as subpoena services, interviewing new victims or witnesses, testifying at hearings, etc.

⁴ Includes physicians and surgeons, licensed midwives, research psychoanalysts, and dispensing opticians

⁵ 156 additional monitoring cases were inactive because the probationer was out of state as of June 30, 2010

Complaints Received by Type & Source

	Fraud	Health & Safety ¹	Non-Jurisdictional ²	Gross Negligence/Incompetence ³	Other Category	Personal Conduct ⁴	Unprofessional Conduct ⁵	Unlicensed/Unregistered	Total
Public	80	64	859	2,216	0	45	812	83	4,159
B&P Code⁶	0	4	0	912	0	119	23	0	1,058
Licensee/Prof. Group⁷	39	5	37	49	0	29	88	25	272
Govt. Agency⁸	17	28	9	94	69	224	406	55	902
Misc./Anonymous	14	15	16	16	0	17	44	26	148
Totals	150	116	921	3,287	69	434	1,373	189	6,539

¹ Health and Safety complaints, e.g., excessive prescribing, sale of dangerous drugs, etc.

² Non-jurisdictional complaints are not under the authority of the Board and are referred to other agencies such as the Department of Health Care Services, Department of Managed Health Care, etc.

³ Gross Negligence/Incompetence complaints are related to the quality of care provided by licensees

⁴ Personal Conduct complaints, e.g., licensee self-abuse of drugs/alcohol, conviction of a crime, etc.

⁵ Unprofessional Conduct complaints include sexual misconduct with patients, discipline by another state, failure to release medical records, etc.

⁶ Reference is to B&P Code §§800 and 2240(a) and includes complaints initiated based upon reports submitted to the Medical Board by hospitals, insurance companies and others, as required by law, regarding instances of health facility discipline, malpractice judgments/settlements, or other reportable activities

⁷ Licensee/Professional Group includes the following complaint sources: other Licensee, Society/Trade Organization, and Industry

⁸ Governmental Agency includes the following complaint sources: Internal, Law Enforcement Agency, other California State Agency, other State, other Unit of Consumer Affairs, and Federal or other Governmental Agency

Reports Received Based Upon Legal Requirements

	FY 08-09	FY 09-10
Medical Malpractice		
Insurers: B&P Code §801.01	605	556
Attorneys or Self-Reported or Employers:		
B&P Code §801.01	204	253
Courts: B&P Code §803	2	8
Total Malpractice Reports	811	817
Coroners' Reports		
B&P Code §802.5	16	18
Criminal Charges & Convictions		
B&P Code §§802.1 & 803.5	91	122
Health Facility Discipline Reports		
Medical Cause or Reason: B&P Code §805	122	99
Outpatient Surgery Settings Reports		
Patient Death: B&P Code §2240(a)	6	6

Enforcement Program Action Summary

FY 08-09 FY 09-10

FY 08-09 FY 09-10

Administrative Actions

Accusation	238	276
Petition to Revoke Probation	25	24
Amended Accusation/Petition to Revoke Probation	50	62
Number of completed investigations referred to the AG awaiting the filing of an Accusation as of June 30, 2010	149	156
Number of cases over 6 months old that resulted in the filing of an Accusation	160	224

Administrative Outcomes

Revocation	45	34
Surrender (in lieu of Accusation or with Accusation pending)	35	71
Suspension Only	0	0
Probation with Suspension	13	13
Probation	78	93
Probationary License Issued	10	19
Public Reprimand	81	116
Other Actions (e.g., exam required, education course, etc.)	10	3
Accusation Withdrawn ¹	15	11
Accusation Dismissed	11	8

Dispositions of Probation Filings

Probation Revoked or License Surrendered	9	14
Additional Suspension and Probation	1	2
Additional Suspension or Probation	2	9
Other	1	1
Petition Withdrawn/Dismissed	2	1

Referral and Compliance Actions

Citation and Administrative Fines Issued	185	111
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Petition Activity

Petition for Reinstatement of License Filed	18	16
Petition for Reinstatement of Licensed Granted	5	5
Petition for Reinstatement of License Denied	5	6
Petition for Penalty Relief ² Granted	16	26
Petition for Penalty Relief ² Denied	5	9
Petition to Compel Exam Filed	11	20
Petition to Compel Exam Granted	9	20
Petition to Compel Exam Denied	0	0

License Restrictions/Suspensions Imposed While Administrative Action Pending

Interim Suspension Orders	16	19 ³
Temporary Restraining Orders	0	0
Other Suspension Orders	38	31 ⁴

License Restrictions/Suspensions/Temporary Restraining Orders Sought and Granted by Case Type

	Orders sought	Orders granted
Gross Negligence/Incompetence	6	9
Inappropriate Prescribing	5	4
Unlicensed Activity	0	0
Sexual Misconduct	7	6
Mental/Physical Illness	13	14
Self-Abuse of Drugs or Alcohol	3	2
Fraud	0	0
Criminal Charges/Conviction of a Crime	16	11
Unprofessional Conduct	4	4
Total	54	50

NOTE: Some orders granted were sought in prior fiscal year.

Administrative Outcomes by Case Type⁵

	Revocation	Surrender	Suspension Only	Probation with Suspension	Probation	Probationary License Issued	Public Reprimand	Other Action	Total Actions by Case Type
Gross Negligence/Incompetence	6	23	0	4	44	0	78	2	167
Inappropriate Prescribing	2	10	0	3	12	0	7	0	24
Unlicensed Activity	1	0	0	1	0	0	0	0	2
Sexual Misconduct	7	7	0	1	5	0	2	1	23
Mental/Physical Illness	3	10	0	0	3	0	2	0	18
Self-Abuse of Drugs/Alcohol	9	7	0	2	11	1	0	0	30
Fraud	1	8	0	0	2	0	5	0	16
Conviction of a Crime	3	2	0	1	8	3	2	0	19
Unprofessional Conduct	2	4	0	1	3	15	20	0	45
Miscellaneous Violations	0	0	0	0	5	0	0	0	5
Totals by Discipline Type	34	71	0	13	93	19	116	3	349

¹ Accusations withdrawn for the following reasons: physician passed a competency exam; physician met stipulated terms and conditions; physician was issued a citation/fine instead; physician died, etc.

² Penalty Relief includes Petitions for Modification of Penalty and Petitions for Termination of Probation

³ Pursuant to B&P Code §2220.05(c), ISOs were granted in the following priority categories: 2-gross negligence/incompetence resulting in death or serious bodily injury, 0-drug or alcohol abuse involving death or serious bodily injury, 1-excessive prescribing, 3-sexual misconduct with a patient, and 0-practicing under the influence of drugs/alcohol

⁴ Includes 4-Automatic Suspension Orders per B&P Code §2236, 6-license restrictions per Penal Code §23, 18-out-of-state suspension orders per B&P Code §2310, 2-stipulated agreements to suspend or restrict the practice of medicine, and 1-suspension order issued by the Chief of Enforcement for violation of probation condition

⁵ Pursuant to B&P Code §2220.05(c), disciplinary actions were taken in the following priority categories: 82-gross negligence/incompetence resulting in death or serious bodily injury, 0-practicing under the influence resulting in death or serious bodily injury, 20-excessive prescribing, 14-sexual misconduct with a patient, and 4-practicing under the influence of drugs/alcohol

Enforcement Action Summary for Allied Health Care Professionals¹

	FY 08-09	FY 09-10
Complaints/Investigations		
Complaints received	363	378
Complaints closed by Complaint Unit	261	309
Investigations		
Cases opened	179	210
Cases closed	144	201
Cases referred to the AG	68	102
Cases referred for criminal action	8	6
Number of Probation Violation Reports referred to AG	3	2
License Restrictions/Suspensions Imposed While Administrative Action is Pending		
Interim Suspension Orders	5	2
Other Suspension Orders	3	2 ²
Administrative Actions		
Accusation	19	22
Petition to Revoke Probation	1	2
Amended Accusation/Petition to Revoke Probation	3	6
Statement of Issues to deny application	4	5
Number of completed investigations referred to AG's Office awaiting the filing of an Accusation as of June 30, 2010	16	29
Administrative Outcomes		
Revocation	4	1
Surrender (in lieu of Accusation or with Accusation pending)	5	6
Probation with Suspension	2	2
Probation	17	17
Probationary License Issued	10	1
Public Reprimand	0	0
Other Actions (e.g., exam required, Education course, etc.)	1	0
Statement of Issues Granted (License Denied)	2	1
Statement of Issues Denied (License Granted)	1	5
Accusation/Statement of Issues Withdrawn	0	4
Accusation Dismissed	0	0
Dispositions of Probation Filings		
Additional Probation or Suspension	1	0
Probation Revoked or License Surrendered	0	1
Petition Withdrawn or Dismissed	0	0
Referral and Compliance Actions		
Citation and Administrative Fines Issued	10	11
Office Conferences Conducted	2	1
Petition Activity		
Petition for Reinstatement of license filed	2	0
Petition for Reinstatement of license granted	0	3
Petition for Reinstatement of license denied	3	0
Petition for Penalty Relief ³ granted	1	3
Petition for Penalty Relief ³ denied	0	2
Petition to Compel Exam granted	0	0
Petition to Compel Exam denied	0	0

Reports Received Based Upon Legal Requirements

	FY 08-09	FY 09-10
Medical Malpractice		
Insurers: B&P Code §§801 and 801.01	16	10
Attorneys or Self-Reported or Employees:		
B&P Code §§801 and 801.01	2	2
Courts: B&P Code §803	0	0
Total Malpractice Reports	18	12
Coroners' Reports		
B&P Code §802.5	0	0
Criminal Charges & Convictions		
B&P Code §§802.1 & 803.5	1	7
Health Facility Discipline Reports		
Medical Cause or Reason:		
B&P Code §805	3	0
Outpatient Surgery Settings Reports		
Patient Death: B&P Code §2240(a)	0	0

¹ Allied Health Care professionals includes licensed midwives, research psychoanalysts, dispensing opticians, podiatrists, physician assistants, except in the categories of investigations, cases referred to the AG and cases referred for criminal action which also includes psychologists and osteopathic physicians and surgeons

² Includes 1-Automatic Suspension Order per B&P Code §2236, and 1-stipulated agreement to suspend or restrict the licensee's practice

³ Penalty Relief includes Petitions for Modification of Penalty and Petitions for Termination of Probation

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