Medical Board of California
Senior Medicare Patrol

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Executive Director
Interests

- Nothing to disclose
Learning Objectives

- Learn the Medical Board’s enforcement process
- Understand the types of complaints the Board receives
- Learn the reasons for disciplinary action
- Receive helpful hints to navigate the enforcement process
Mission and Highest Priority

The mission of the Medical Board is to **protect health care consumers** through the proper licensing and regulation of physicians & surgeons and certain allied health care 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 and regulatory functions.
Board Budget

- Annual budget of approximately $65 million
  - Enforcement Operations – $31,000,000
  - Legal and Hearing Services – $16,000,000
  - Probation Monitoring – $3,000,000
  - Licensing – $8,000,000
  - Administration – $7,000,000

- Revenues and Reimbursements
  - 94 % Licensing Fees (initial licensure/renewals)
  - 6 % Reimbursements/Other Regulatory Fees
15 Board Members
- 13 appointed by the Governor
- 1 appointed by the Senate Pro Tem
- 1 appointed by the Speaker of the Assembly
8 Physicians
7 Public members
Currently 12 seated Board Members, 7 Physicians and 5 Public
Board Staffing

- 164 Employees with additional temporary staff
- Headquarters in Sacramento
  - Administration
  - Complaint Unit
  - Licensing Office
- Probation Monitors
  - 15 Statewide Inspectors
- In July 2014 – 116 positions transferred from the Board to the Department of Consumer Affairs to perform the investigation process (sworn peace officers conduct these investigations)
Licensing Program

FY 2016/2017

- Total Physician and Surgeon Licensees: 144,441
- Total Physician and Surgeon Licensees in Active Status: 137,967
- Total Physician and Surgeon Licensees in California: 113,100
- Applications Received: 7,978
- Initial Licenses Issued: 6,802
Protection of the public shall be the highest priority for the Medical Board of California in exercising its licensing, regulatory and disciplinary functions. Whenever the protection of the public is inconsistent with other interest sought to be promoted, the protection of the public shall be paramount.
Enforcement Program

- “Vigorous enforcement of the Medical Practice Act.”
- Protection of the public; patient safety is paramount by law, rehabilitation only when it does not conflict with public safety (B&P Code §§ 2001.1 and 2229)
- Responds to complaints
- Conducts investigations
- Imposes disciplinary action
- Monitors discipline imposed
Complaint Review Process

- Complaint is received from:
  - Public (patient, patient’s family, friend, etc.)
  - Mandated Report
  - Licensee
  - Government Agency
  - Anonymous/Miscellaneous
Complaint Review Process

- Central Complaint Unit
  - Triage allegations
Complaint Filing Tips

- Request copies of your medical records
  - If filing a complaint include those records
- Provide as much information as possible
- If filing complaint online still provide detail and attachments
Complaint Review Process

Triage Process

- Is the issue within the Board’s jurisdiction?
  - Non-jurisdictional issues include: physician or office personnel rudeness; HMO system problems or denial of services; hospital facility issues, etc.

- Does complaint warrant immediate investigation?
  - High Priority/Urgent Complaint: sexual misconduct, physician impairment (i.e., drugs/alcohol or physical/mental condition)
Complaint Review Process

- What is the prior complaint history on physician?
  - Any ongoing investigations/pending disciplinary actions
  - Any prior complaints for the same allegation

- What information should be obtained for review?
  - Medical records, court documents, etc.
  - Physician Response
  - Specialty Review (quality of care cases)
Complaint Review Process

- Contact patient (or designee) for authorization to obtain records

- Contact physician for treatment summary and medical records (B&P 2220.08)
Complaint Review Process

- Medical consultant review (upfront expert)

- Possible Complaint Unit Outcomes
  - Close case
  - Refer for formal investigation
  - Issue a citation and fine (For technical violations: failure to provide medical records, false advertising, etc.)
Investigation Process

- Formal Investigation (objective)
- Vertical Enforcement – Joint assignment to an Investigator and a Deputy Attorney General (DAG)
- Investigator develops initial plan/confers with assigned DAG
Investigation Process

- Requests records (release vs. subpoena)
- Interviews complainant and other witnesses
- Submits for District Medical Consultant Review
Investigation Process

- Interviews subject physician
- Submit for expert review (same specialty)
Considerations When Concluding an Investigation

- Expert report – simple vs. extreme departures
- Mitigating factors
- DAG involved in all steps and reviews as to burden of proof – Is there clear and convincing evidence of the violation?

Preponderance of Evidence (Civil)
Clear and Convincing (Administrative)
Beyond Reasonable Doubt (Criminal)
Types of Violations/Allegations

- **Gross negligence** (an extreme departure from accepted standards of medical practice)
- **Incompetence** (a physician is found to be lacking in knowledge and performing procedures that are beyond his or her training or expertise)
- **Repeated negligent acts** (“simple” negligent acts that are not extreme departures from the accepted standards of practice are still considered a departure from the care – one act of simple negligence is not enough to take formal action)
Types of Violations/Allegations

- Sexual misconduct or sexual exploitation of the patient/physician relationship
- Over/Under prescribing
- Aiding and abetting (including the corporate practice of medicine)
- Physician misconduct (including conviction of a crime, substance abuse, fraud)
- Physician mental/physical illness
- Fraud (sometimes obtain via other entities who have already investigated)
Investigation Outcomes

- Close investigation
- Refer to the District Attorney for criminal action
- Refer to Citation and Fine Program
- Request an Examination – oral competency, mental and/or physical examination
- Issue Public Letter of Reprimand
  - Minor violations; is disciplinary action
- Refer for Disciplinary Action
## Enforcement Statistics

**FY 2016/2017**

- Complaints Received: 9,619
- Complaints Closed: 10,202
- Citations and Fines Issued: 137
- Complaint Processing Time: 123 days
- Investigation Opened: 1,465
- Investigations Closed: 1,284
- Investigation Processing Time (sworn): 467 days
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

- Appeal Process
  - Order to Vacate (Default Decision)
  - Board – Petition for Reconsideration
  - Superior Court – Writ of Mandate
  - Court of Appeals
  - Supreme Court
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
Disciplinary Process

- Disciplinary outcomes:
  - Suspension
  - Public Reprimand
  - Accusation Withdrawn/Dismissed
Enforcement Statistics

FY 2016/2017

- Referred to the District Attorney’s Office: 43
- Referred to the Attorney General’s Office: 483

- Accusations/Petitions to Revoke Filed: 369
- Average Days to File an Accusation: 77

- Disciplinary Actions Taken: 466
- Average Days to Disciplinary Action: 455
Enforcement Statistics (FY 16/17)

Complaints Received – 9,619

Investigations Opened – 1,465

Disciplinary Actions Taken – 466
MBC Website

- **www.mbc.ca.gov**
- General information
- License search (look-up)
- Public documents
- File a complaint
License Verifications

The Mission of the Medical Board of California
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Check Up On Your Doctor’s License
Check on your physician’s license status with the Medical Board of California
- License Search
- Quick Physician Name Search

File a Complaint

Public Documents
Search Enforcement Documents for Physicians and Other Licensees

Quick Links
- Board and Committee Meeting Locations
- Laws & Regulations
- Contact Us
- Publications
- Website Feedback
- License Renewal
- LVS Information
- Medical Assistants

Check up on Your Doctor’s License — Tutorial
License Verifications

BreEZe Online License Search

Welcome to the Medical Board of California Licensee Profile search page. Here you will find profiles for all physicians and other allied health care providers who are licensed/registered in the state of California. The profile provides information about the licensee. This information can assist in helping you choose a physician (or allied health care provider) or find out more about the physician (or allied health care provider) you go to now:

- Learn more about the Physician Profile
- Physician and Surgeon Licensing Types and Descriptions

Please be aware that the law authorizes the Board to post certain information on the physician’s profile indefinitely and other specified information for a limited period of time:

- What is not Available on a Physician’s Record?

Choose a license type:

- Physician and Surgeon

Note: If your physician is an osteopathic doctor (D.O.), please contact the Osteopathic Medical Board of California.

Search by Name
You must use the complete last name. If you are unsure of the spelling, you can enter a partial name in the global search. Search by Business Name.

Search by License Number

Search by City

Search by County

Search by Survey Responses
You can search for a physician by a practice location, area of practice/specialty, foreign language, or other self-reported survey responses.

Licensed Midwife
License Verifications – Physician Profile

MEDICAL BOARD OF CALIFORNIA

LICENSE DETAILS FOR: 000000

NAME: DOCE, JANE A.
LICENSE TYPE: PHYSICIAN AND SURGEON
PRIMARY STATUS: LICENSED
FEE EXEMPTION: RETIRED
SECONDARY STATUS: PUBLIC REPRIMAND
ADDRESS OF RECORD (REQUIRED)
1600 EVERGREEN STREET
SACRAMENTO, CA 95815
SACRAMENTO COUNTY

PUBLIC RECORD ACTIONS

- ADMINISTRATIVE DISCIPLINARY ACTIONS (2)
- FELONY CONVICTION (1)
- ACTION TAKEN BY OTHER STATE/FEDERAL GOV (3)
- PROBATIONARY LICENSE (NO RECORDS)
- MISDEMEANOR CONVICTION (NO RECORDS)
- COURT ORDER (NO RECORDS)
- MALPRACTICE SETTLEMENTS (NO RECORDS)
- ADMINISTRATIVE CITATION ISSUED (NO RECORDS)
- ISSUED WITH PUBLIC LETTER OF REPRIMAND (NO RECORDS)
- HOSPITAL DISCIPLINARY ACTION (NO RECORDS)
- MALPRACTICE JUDGMENT (NO RECORDS)
- ARBITRATION AWARD (NO RECORDS)
### PUBLIC RECORD ACTIONS

- Administrative Disciplinary Actions (2)
- Felony Conviction (1)
- Action Taken by Other State/Federal Gov (3)
- Probationary License (No Records)
- Misdemeanor Conviction (No Records)
- Court Order (No Records)
- Malpractice Settlements (No Records)
- Administrative Citation Issued (No Records)
- Issued With Public Letter Of Reprimand (No Records)
- Hospital Disciplinary Action (No Records)
- Malpractice Judgment (No Records)
- Arbitration Award (No Records)

### PUBLIC DOCUMENTS

- Public Letter of Reprimand (1)
- Decision (1)

### SURVEY INFORMATION

The following information is self-reported by the licensee and has not been verified by the board.

**Are You Retired?**

- Not Identified

**Activities in Medicine**

- Research - None
- Other - 10-19 Hours
- Patient Care - 40+ Hours
- Teaching - 1-9 Hours
- Administration - 40+ Hours

**Patient Care Practice Location**

- ZIP - 95815
- County - Not Identified

**Patient Care Secondary Practice Location**

- Not Identified
Subscriber Alerts

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Alerts
- FDA Alerts Consumers About Potentially Life-Threatening Health Problems Linked to Limbrel
- Are Your Prescription Forms Compliant?
Join the MBC Subscriber Alerts

The Medical Board of California uses a subscriber service to notify individuals about items relating to the activities of the Medical Board via email.

Please select from the items below to receive emails on those topics. **Once you click the “Subscribe” button, you will receive an email requesting verification of your email address.**

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Subscribe to these topics:

- Board Meetings
- Newsletters and News Releases
- Actions relating to the license or practice of physicians and surgeons
- Regulations

- Subscribe
- Unsubscribe

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**EMAIL ADDRESS:**

Subscribe

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It is your responsibility to keep your email address current on this list. There is no charge for this service.

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The Board also encourages you to [join the Board of Pharmacy’s email notification list.](https://www.boardofpharmacy.ca.gov)
Disciplinary or suspension/restriction information provided each day when action occurs

Charging documents sent 2x per month
Most complaints received by the Medical Board can be categorized within the
“Seven Deadly Sins”
Seven Deadly Sins

1. **LUST**: Sexual misconduct, sexual exploitation of the patient/physician relationship

2. **SLOTH**: Laziness, failure to maintain medical records, not examining laboratory results, not taking time to evaluate prior to prescribing

3. **ENVY**: Trying to ruin or damage another, false and misleading advertising
Seven Deadly Sins

4. **ANGER**: Disruptive behavior, lashing out with words/actions, hostility

5. **GLUTTONY**: Addictive personality for drugs and/or alcohol

6. **GREED**: Fraud, Corporate Practice of Medicine, Prescribing for cash

7. **PRIDE**: Not asking for help or a consultation, always correct, not open to other views
Fraud Prevention

- Take an advocate to the appointment and have that individual check the billings once received
- Look at unusual billings
- Ensure test or procedure is needed and necessary, possible second opinion
- If anything seems odd with the billing, contact the payor organization
- For quality of care concerns – contact the Board
Any questions?

THANK YOU!