Medical Board of California
The Enforcement Process

Complaint/Information Source
- Public
- B&P Code mandated reports
- Licensee/Professional Group
- Governmental Group
- Anonymous/Miscellaneous

Central Complaint Unit (CCU)
Complaint Unit Analyst reviews the complaint to determine:
- If immediate investigation is needed. If yes, refer complaint to appropriate district office.
- If more information is needed, the Complaint Unit Analyst requests this from the complainant.
- Whether the complaint is within the Board's jurisdiction. If not, it is referred to the appropriate agency.
- Whether the complaint involves care and treatment provided by the licensee. If so, medical records are obtained and a medical consultant reviews.
- Whether a minor violation of the laws governing the profession has occurred (e.g., failure to provide patient records, misleading advertisement, dispensing violations, etc.). If so, the licensee is then contacted and advised of the violation to bring him or her into compliance, or the matter is referred for a cite and fine.
- If the complaint may be mediated at this point if that is appropriate. If no apparent violation is found, the case may be closed.

District Office
If it appears following initial review that a violation may have occurred, case is referred to a district office for investigation. Upon completion, the file may be:
- Closed, but retained for one year if a violation could not be confirmed.
- Closed, but retained for five years because the complaint is found to have some merit, but insufficient evidence is found to take action against the licensee.
- Referred to the Attorney General's Health Quality Enforcement Section for determination whether to initiate disciplinary action.
- Referred for other disciplinary, non-disciplinary, or criminal action.

Citation & Fine Program
Minor violations of the laws governing the profession may result in administrative citation and fine rather than formal accusation and disciplinary action.

Attorney General
If he or she believes the case can pass the legal standard, a Deputy Attorney General drafts formal charges (accusation), and a hearing may be scheduled. During pre-hearing conferences, a stipulated settlement (plea bargain) of the charges/penalties may be accepted by both sides; if this occurs, no hearing is needed. The Board may direct the Attorney General to file a petition to compel the licensee to submit to a competency examination or a psychiatric examination in lieu of, or preceding the filing of, an Accusation.

Criminal Prosecution
A completed investigation may be referred to a local district attorney for prosecution of suspected criminal violations.

Administrative Hearing
If the licensee contests the charges, the case is heard by an Administrative Law Judge (ALJ), who then drafts a proposed decision. The proposed decision is reviewed by a panel of the Board, who have the option to:
- Adopt the decision as proposed.
- Reduce the penalty and adopt the decision.
- Increase the penalty and adopt the decision. In this instance, the panel members must read the entire record of the hearing prior to acting. The licensee is given the opportunity to submit written and oral arguments.

Appeal
Licensees may petition the Board for reconsideration of a decision up to 30 days after it is adopted. Thereafter, licensees may petition the Board for reinstatement of a revoked license, reduction of terms of penalty, or termination of a period of probation. Various time periods apply before petitions can be filed with the Board.
Final decisions may be appealed to the Superior Court, the District Court of Appeal, and to the California Supreme Court.

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