



MEDICAL BOARD OF CALIFORNIA Central Complaint Unit



REQUEST FOR COPY OF 805 REPORT

(Pursuant to Business & Professions Code 805.5)

Requestor Information

Is the requesting entity an LVS user? If yes, enter Facility Log In _____

If **not**, indicate the type of requesting entity:

Health care facility licensed by California Dept. of Public Health (DPH) (H&S Code Div. 2, § 1200)
PLEASE ATTACH A COPY OF THE LICENSE ISSUED

Health care service plan licensed by Dept. of Managed Health Care (DMHC) - enter license # _____

Medical care foundation

Accredited Outpatient Surgery Setting

Medicare Certified Ambulatory Surgery Center

Other _____

Name of requesting entity: _____

Mailing address: _____

Medical staff person (& title) requesting copy: _____

Phone #: _____ Fax # _____
(Copies will be faxed on an emergency basis ONLY.)

Requested Information

Licensees name (Last, First, MI)	License type	California medical license #
	<input type="checkbox"/> MD <input type="checkbox"/> PA <input type="checkbox"/> DPM	

Medical Board Response (for Medical Board use ONLY)

Date returned to requestor: _____

A copy of the 805 report(s) as requested above is attached.

There are no 805 reports on file with the Medical Board as of this date for this licensee.

Your request cannot be granted:

- You have not provided proof that you are entitled to receive copies of 805 reports (see reverse).
- The requesting facility is not licensed by DPH or DMHC as required (see reverse).
- The requesting facility is not a medical care foundation.
- The requesting facility is not an accredited outpatient surgery setting
- The requesting facility is not a Medicare certified ambulatory surgery center

The request lacks sufficient information as follows: _____.

For additional information, please contact Marco Armas at (916) 263-2482.

Section 805.5 California Business and Professions Code

805.5.

(a) Prior to granting or renewing staff privileges for any physician and surgeon, psychologist, podiatrist, or dentist, any health facility licensed pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code, any health care service plan or medical care foundation, the medical staff of the institution, a facility certified to participate in the federal Medicare Program as an ambulatory surgical center, or an outpatient setting accredited pursuant to Section 1248.1 of the Health and Safety Code shall request a report from the Medical Board of California, the Board of Psychology, the Osteopathic Medical Board of California, or the Dental Board of California to determine if any report has been made pursuant to Section 805 indicating that the applying physician and surgeon, psychologist, podiatrist, or dentist has been denied staff privileges, been removed from a medical staff, or had his or her staff privileges restricted as provided in Section 805. The request shall include the name and California license number of the physician and surgeon, psychologist, podiatrist, or dentist. Furnishing of a copy of the 805 report shall not cause the 805 report to be a public record.

(b) Upon a request made by, or on behalf of, an institution described in subdivision (a) or its medical staff the board shall furnish a copy of any report made pursuant to Section 805 as well as any additional exculpatory or explanatory information submitted electronically to the board by the licensee pursuant to subdivision (f) of that section. However, the board shall not send a copy of a report (1) if the denial, removal, or restriction was imposed solely because of the failure to complete medical records, (2) if the board has found the information reported is without merit, (3) if a court finds, in a final judgment, that the peer review, as defined in Section 805, resulting in the report was conducted in bad faith and the licensee who is the subject of the report notifies the board of that finding, or (4) if a period of three years has elapsed since the report was submitted. This three-year period shall be tolled during any period the licensee has obtained a judicial order precluding disclosure of the report, unless the board is finally and permanently precluded by judicial order from disclosing the report. If a request is received by the board while the board is subject to a judicial order limiting or precluding disclosure, the board shall provide a disclosure to any qualified requesting party as soon as practicable after the judicial order is no longer in force.

If the board fails to advise the institution within 30 working days following its request for a report required by this section, the institution may grant or renew staff privileges for the physician and surgeon, psychologist, podiatrist, or dentist.

(c) Any institution described in subdivision (a) or its medical staff that violates subdivision (a) is guilty of a misdemeanor and shall be punished by a fine of not less than two hundred dollars (\$200) nor more than one thousand two hundred dollars (\$1,200).