



# 2015-2016 ANNUAL REPORT

# Medical Board of California

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## Executive Summary

The Medical Board of California (Board) continued to focus on the protection of health care consumers through the launch of a successful outreach campaign beginning in late August 2015. The campaign is entitled “Check Up On Your Doctor’s License,” which is designed to encourage all California patients to check up on their doctor’s license via [the Board’s website](#). The Board developed brochures and video tutorials in English and Spanish that are posted on the Board’s website and available on YouTube. In addition, the Board updated its website to provide patients with information on how to use the license search feature and what the information means, including disciplinary actions taken against a doctor. The Board has successfully worked with numerous counties and cities in California, as well as the California State Retirees, CalSTRS, and CalPERS in getting its campaign information in publications, websites, tweets, and Facebook. Further, the Board worked with the State Controller’s Office to include information about the Board’s campaign on payroll warrants for all state employees and vendors. At the close of the fiscal year, this outreach campaign had the potential of reaching 17 million California health care consumers. The Board saw an increase in its web hits following the campaign release and placement in Google, Yahoo, and Bing web search analytics. The Board will continue with its outreach campaign in the next fiscal year and hopes to reach more Californians with information about the Board and what it does to protect California health care consumers.

The Board also worked with the Attorney General’s Office and the Department of Consumer Affairs’ Health Quality Investigation Unit to identify and implement several improvements to expedite and increase the issuance of Interim Suspension Orders (ISO). The Board saw a significant increase in ISOs issued from fiscal year 2014-2015 to 2015-2016 due to these improvements. The number of ISOs issued increased from 14 to 37, which is a 164% increase. In addition, the average time to obtain an ISO was reduced from 588 days in fiscal year 2014-2015 to 438 days in fiscal year 2015-2016, a 150 day reduction. Implementation of additional improvements is planned and will continue to enhance the ISO process.

*Executive Summary (continued on page ii)*

## Current Physician and Surgeon Licenses by County

*Data is for 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 – 2,212; Out of State – 4,380; Total – 6,592.*

Alameda	5,183	Inyo	46	Monterey	906	San Luis Obispo	809	Trinity	9
Alpine	6	Kern	1,141	Napa	501	San Mateo	2,979	Tulare	526
Amador	63	Kings	143	Nevada	251	Santa Barbara	1,276	Tuolumne	123
Butte	496	Lake	69	Orange	10,154	Santa Clara	8,174	Ventura	1,845
Calaveras	52	Lassen	41	Placer	1,238	Santa Cruz	723	Yolo	523
Colusa	10	Los Angeles	30,160	Plumas	29	Shasta	421	Yuba	48
Contra Costa	3,396	Madera	217	Riverside	3,192	Sierra	0	Unidentified California county*	9
Del Norte	32	Marin	1,534	Sacramento	4,935	Siskiyou	71	California total	110,989
El Dorado	323	Mariposa	13	San Benito	47	Solano	989	Out-of-State total	24,386
Fresno	2,054	Mendocino	200	San Bernardino	4,056	Sonoma	1,462	Current licenses total	135,375
Glenn	12	Merced	244	San Diego	10,740	Stanislaus	991		
Humboldt	274	Modoc	7	San Francisco	6,711	Sutter	190		
Imperial	147	Mono	34	San Joaquin	1,119	Tehama	44		

\*Due to the location listed in the address of record, the county cannot be identified.

### The Mission of the Medical Board of California

The mission of the Medical Board of California is to protect health care consumers through the 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.

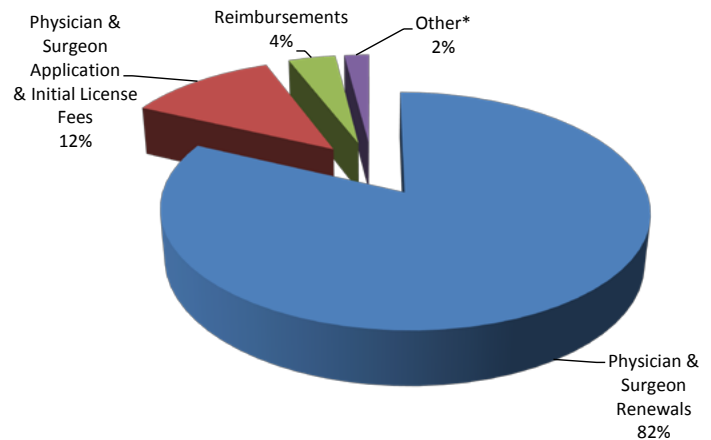
*Executive Summary (continued from page i)*

On July 1, 2015, regulations implementing the **Uniform Standards for Substance-Abusing Licensees** became effective. These regulations implemented **Senate Bill 1441** (Chapter 548, Ridley-Thomas). The regulations state that any physicians disciplined for unprofessional conduct involving illegal drugs, the abuse of drugs and/or alcohol, or the use of another prohibited substance will be presumed to be a substance-abusing licensee. The purpose of the Uniform Standards is to ensure that all substance-abusing licensees are held to the same standards. These Uniform Standards include terms and conditions for a clinical diagnostic evaluation, random biological fluid testing, work site monitor, group meetings, and notification to the Board of the licensee’s employer or supervisor. These conditions would be included in a licensee’s probationary order. The Uniform Standards also include actions the Board must take if a licensee violates these conditions of probation. These Uniform Standards are available on the Board’s website. All these accomplishments further allow the Board to meet and enhance its mission of consumer protection.

## Medical Board of California 2015–2016 Fiscal Year

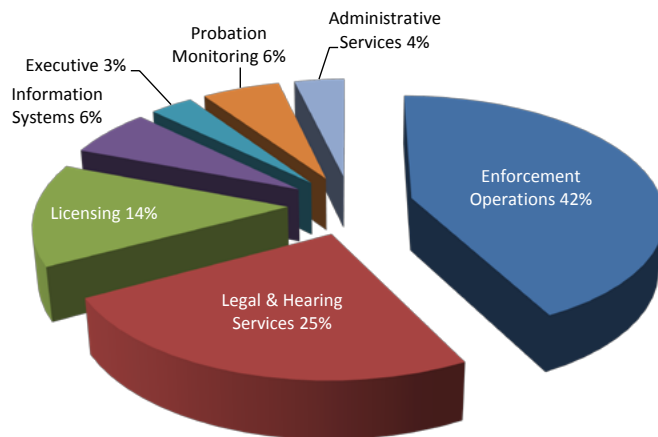
### Revenues and Reimbursements

Physician and Surgeon Renewals	\$48,478,000	82%
Physician and Surgeon Application and Initial License Fees	\$ 7,148,000	12%
Reimbursements	\$ 2,269,000	4%
*Other Regulatory Fees, Delinquency/Penalty/ Reinstatement Fees, Interest on Fund, Miscellaneous	\$ 1,191,000	2%
<b>Total Receipts</b>	<b>\$59,086,000</b>	<b>100%</b>



### Budget Distribution

Enforcement Operations <sup>2</sup>	\$26,331,000	42%
Legal & Hearing Services <sup>1</sup>	\$15,322,000	25%
Licensing <sup>2</sup>	\$ 8,522,000	14%
Information Systems	\$ 3,970,000	6%
Executive	\$ 2,000,000	3%
Probation Monitoring <sup>2</sup>	\$ 3,606,000	6%
Administrative Services	\$ 2,313,000	4%
<b>Total</b>	<b>\$62,064,000</b>	<b>100%</b>



<sup>1</sup>Includes Attorney General services, Office of Administrative Hearings, and court reporter services.

<sup>2</sup>Budget amounts were adjusted for Attorney General services, Office of Administrative Hearings, and court reporter services.

## Licensing Summary

The Medical Board of California’s (Board) 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, licenses non-nurse midwives, research psychoanalysts, and polysomnographic trainees, technicians and technologists. In addition, the Licensing Program approves accreditation agencies that accredit outpatient surgical settings in which general anesthesia is being used.

*Licensing Summary (continued on page iii)*

**Licensing Summary** (continued from page ii)

The Licensing Program issued 6,317 new physician’s and surgeon’s licenses. This was an increase of 435 more new licenses than the previous fiscal year. The Licensing Program recognized 29 international medical schools pursuant to California Code of Regulations, Title 16, Division 13, Section 1314.1(a)(1). The Licensing program was able to perform all initial reviews of physician’s and surgeon’s applications within the 60 working days’ regulatory time frame. Staff continues to identify opportunities to streamline and improve the application process and improve the Licensing Program’s outreach efforts.

Pursuant to **Assembly Bill 684** (Alejo, Chapter 405), effective January 1, 2016, the oversight of the Registered Dispensing Program, which includes spectacle and contact lens dispensers, registered dispensing optician businesses, and out-of-state contact lens sellers, was transferred to the State Board of Optometry.

In addition, **Senate Bill 396** (Hill, Chapter 287) made consumer protection improvements to the laws pertaining to outpatient surgery settings by requiring the outpatient settings to have peer review evaluations for physicians and surgeons working in these settings. The accreditation agencies may also now conduct unannounced inspections of accredited outpatient settings.

**Senate Bill 408** (Morrell, Chapter 280) provided the ability for a licensed midwife to have a midwife assistant if the individual meets the minimum required training requirements. The Board held an interested parties meeting to draft regulations for the implementation of this bill and the regulations are proceeding through the regulatory process.

## Licensing Program Activity

	FY 14-15	FY 15-16
Physician Applications Received	6,850	<b>7,763</b>
<b>Physician Licenses Issued</b>		
FLEX/USMLE <sup>1</sup>	4,808	<b>5,121</b>
NBME <sup>1</sup>	268	<b>291</b>
Reciprocity with other states (B&P Code §2135)	806	<b>905</b>
Total new licenses issued	5,882	<b>6,317</b>
Renewal licenses issued – with fee	61,130	<b>61,839</b>
Renewal licenses issued – fee exempt <sup>2</sup>	5,181	<b>5,212</b>
Total licenses renewed	66,311	<b>67,051</b>
<b>Physician Licenses in Effect<sup>3</sup></b>		
California address	108,594	<b>110,991</b>
Out-of-state address	23,776	<b>24,384</b>
Total	132,370 <sup>4</sup>	<b>135,375<sup>5</sup></b>
<b>Fictitious Name Permits</b>		
Issued	1,229 <sup>6</sup>	<b>1,269<sup>7</sup></b>
Renewed	6,434	<b>5,058</b>
Total number of permits in effect	12,242	<b>12,529</b>

	FY 14-15	FY 15-16
<b>Special Faculty Permits</b>		
Permits issued	3	<b>3</b>
Permits renewed	13	<b>8</b>
Total active permits	22	<b>25</b>
<b>Licensing Enforcement Activity</b>		
Licenses Issued with Public Letter of Reprimand	0	<b>0</b>
Probationary license granted	10	<b>14</b>
License denied (no hearing requested)	6	<b>6</b>
Statement of Issues to deny license filed	6	<b>9</b>
Statement of Issues granted (license denied)	2	<b>6</b>
Statement of Issues denied (license granted)	1	<b>3</b>
Statement of Issues withdrawn	1	<b>3</b>

## Allied Health Care Professions Licenses/Registrations

	Issued	Current
Licensed Midwife	<b>29</b>	<b>365</b>
Research Psychoanalyst	<b>9</b>	<b>82</b>
Polysomnographic Trainee	<b>26</b>	<b>60</b>
Polysomnographic Technician	<b>18</b>	<b>79</b>
Polysomnographic Technologist	<b>51</b>	<b>572</b>
Accreditation Agencies for Outpatient Settings	<b>0</b>	<b>5</b>

<sup>1</sup> FLEX: Federation Licensing Exam.  
USMLE: United States Medical Licensing Exam.  
NBME: National Board Medical Exam.

<sup>2</sup> Includes physicians with disabled, retired, military, or voluntary services license status.

<sup>3</sup> Excludes physicians with an inactive, retired, or disabled license status.

<sup>4</sup> Total Physician Licenses in Effect including inactive, retired or disabled license status – 138,741.

<sup>5</sup> Total Physician Licenses in Effect including inactive, retired or disabled license status – 141,967.

<sup>6</sup> Includes 27 Fictitious Name Permits issued on behalf of the Board of Podiatric Medicine.

<sup>7</sup> Includes 26 Fictitious Name Permits issued on behalf of the Board of Podiatric Medicine.

# Verification and Reporting Activity Summary

	FY 14-15	FY 15-16
<b>License Status Verifications</b>		
Telephone verifications	9,763	<b>2,520</b>
Non-verification telephone calls	59,880 <sup>1</sup>	<b>61,955<sup>2</sup></b>
Authorized Licensing Verification System (LVS) Internet users	388	<b>662<sup>3</sup></b>
Web license look-up <sup>4</sup>	1,463,837 <sup>4</sup>	<b>1,271,728</b>
Certification Letters and Letters of Good Standing	10,936	<b>10,461</b>
<b>Reporting Activities</b>		
Disciplinary reports mailed to health facilities upon written request pursuant to B&P Code §805.5	144	<b>185</b>
Adverse Actions reported to the National Practitioner Data Bank (NPDB)	557 <sup>5</sup>	<b>594<sup>6</sup></b>
B&P Code §805 & §805.01 reports of health facility discipline received	96/4 <sup>7</sup>	<b>127/5<sup>8</sup></b>

<sup>1</sup> Does not include the 8,775 listed under Consumer Inquiries on page v.

<sup>2</sup> Does not include the 14,247 listed under Consumer Inquiries on page v.

<sup>3</sup> SB396, effective 1/1/16, allowed Medicare-certified ambulatory surgical centers access to 805 reports received by the Medical Board.

<sup>4</sup> Statistics from Medical Board's 'BreEZe Online License Verification' page.

<sup>5</sup> Includes 551 MDs, 3 Registered Dispensing Opticians Program, 0 Licensed Midwives and 3 Denials by Licensing Program.

<sup>6</sup> Includes 586 MDs, 1 Licensed Midwife and 7 Denials by Licensing Program.

<sup>7</sup> Includes 96 805 Reports and 4 805.01 Reports against MDs.

<sup>8</sup> Includes 127 Reports against MDs and 5 805.01 Reports Against MDs.

## 2015 Licensed Midwife Annual Report Summary<sup>1</sup>

	2014	2015
Clients served as primary caregiver at the onset of care	5,386	<b>5,528</b>
Clients served with collaborative care available through or given by a licensed physician and surgeon	2,763	<b>2,562</b>
Clients served under the supervision of a licensed physician and surgeon	161	<b>112</b>
Planned out-of-hospital births at the onset of labor	3,397	<b>3,616</b>
Planned out-of-hospital births completed in an out-of-hospital setting:	2,833	<b>3,082</b>
Twin Births	1	<b>0</b>
Multiple Births (other than Twin Births)	1	<b>0</b>
Breech Births	12	<b>12</b>
VBAC (vaginal births after the performance of a Cesarean section)	150	<b>172</b>
Complications - Resulting in the mortality of the mother prior to transfer	0	<b>0</b>
Complications - Resulting in the mortality of the mother after transfer	0	<b>1</b>
Complications - Resulting in the mortality of the infant prior to transfer	2	<b>0</b>
Complications - Resulting in the mortality of the infant after transfer	2	<b>2</b>
Antepartum - Primary care transferred to another health care practitioner (elective)	401	<b>406</b>
Antepartum - Urgent or emergency transport of expectant mother	113	<b>114</b>
Intrapartum - Elective hospital transfer	492	<b>433</b>
Intrapartum - Urgent or emergency transfer of an infant or mother	69	<b>45</b>
Postpartum - Elective hospital transfer of mother	57	<b>65</b>
Postpartum - Elective hospital transfer of infant	31	<b>25</b>
Postpartum - Urgent or emergency transfer of a mother	37	<b>56</b>
Postpartum - Urgent or emergency transfer of an infant	39	<b>54</b>

<sup>1</sup> 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 Summary

In fiscal year 2015-2016 the Medical Board of California’s (Board) Enforcement Program received 8,679 complaints against physicians and surgeons and unlicensed individuals alleged to be practicing medicine without a license. This was an increase of 412 complaints from the prior fiscal year. Since fiscal year 2012-2013 the Board has seen a significant increase in complaints received. These complaints include allegations including, but not limited to, excessive prescribing, gross negligence/incompetence, licensee self-abuse of drugs or alcohol, convictions of a crime, and general unprofessional conduct.

Due to the passage of **Senate Bill 304** (Lieu, Chapter 515, Statutes of 2013), which transferred the Board’s sworn investigative staff to the Department of Consumer Affairs, Division of Investigation’s Health Quality Investigation Unit (HQIU) on July 1, 2014, the Board was unable to issue citations, with the exception of unlicensed activity citations. Therefore, the Board adopted regulations, effective August 31, 2015, which authorized the Executive Director or his/her designee to issue citations and fines and to perform the duties to process the citations. Therefore, the Board issued 55 citations in fiscal year 2015-2016.

The Board collaborated with the Department of Social Services and the Department of Health Care Services to

obtain data that would assist the Board in identifying physicians who may be inappropriately prescribing psychotropic medications to foster children. The issue of overprescribing psychotropic medications is a top priority for the Board and it will continue to work with these other state agencies to receive information to assist in ensuring

[Enforcement Summary \(continued on page vi\)](#)

## Enforcement Program Action Summary Physicians and Surgeons

	FY 14-15	FY 15-16
<b>Complaints/Investigations<sup>1</sup></b>		
Complaints received	8,267	<b>8,679</b>
Complaints closed by Complaint Unit	7,578	<b>9,001</b>
<b>Investigations<sup>1</sup></b>		
Cases opened	1,381	<b>1,654</b>
Cases closed	1,469	<b>1,158</b>
Cases referred to the Attorney General (AG)	471	<b>345</b>
Cases referred for criminal action	76	<b>41</b>
Number of probation violation reports referred to the AG	20	<b>36</b>
<b>Consumer Inquiries</b>		
Consumer inquiries	8,775	<b>14,247</b>
Jurisdictional inquiries	4,826	<b>7,836</b>

<sup>1</sup> Some cases closed were opened in a prior fiscal year.

Physicians and Surgeons Complaints Received by Type & Source	Fraud	Health & Safety <sup>1</sup>	Non- Jurisdictional <sup>2</sup>	Gross Negligence/ Incompetence <sup>3</sup>	Other Category	Personal Conduct <sup>4</sup>	Unprofessional Conduct <sup>5</sup>	Unlicensed/ Unregistered	Total
<b>Public</b>	73	96	482	3,460	9	36	1,370	137	<b>5,663</b>
<b>B&amp;P Code<sup>6</sup></b>	1	112	5	737	4	112	28	0	<b>999</b>
<b>Licensee/ Prof. Group<sup>7</sup></b>	12	24	51	40	14	17	102	29	<b>289</b>
<b>Government Agency<sup>8</sup></b>	16	32	4	79	97	235	337	81	<b>881</b>
<b>Misc./Anonymous</b>	20	76	131	212	1	46	232	129	<b>847</b>
<b>Totals</b>	<b>122</b>	<b>340</b>	<b>673</b>	<b>4,528</b>	<b>125</b>	<b>446</b>	<b>2,069</b>	<b>376</b>	<b>8,679</b>

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

<sup>2</sup> 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.

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

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

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

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

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

<sup>8</sup> 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.



**Enforcement Summary** (continued from page v)

consumer protection.

The passage of two legislative bills increased the Board’s authority to investigate allegations of misconduct. **ABX2 15** (Eggman, Chapter 1) established the End of Life Option Act (Act), which became effective June 9, 2016. This Act gives a mentally competent adult California resident who has a terminal disease the legal right to ask for and receive a prescription from his or her physician to hasten death, as long as required criteria are met. This bill contains very specific processes that must be followed by a physician, including the completion of certain forms. The Board developed a web page to provide information to the public and physicians regarding this bill. In addition, **SB 277** (Pan and Allen, Chapter 35) effective January 1, 2016, deleted the personal belief exemption from the existing immunization requirements. The Board will investigate any complaints in which a physician may not be following the standard of care in these two new areas.

The Expert Reviewer Program held an expert reviewer training on March 19, 2016 in San Diego, California. The training focused on the complete enforcement process, legal considerations, effective report writing, and testifying during an administrative hearing. Additionally, the Board assisted in providing training to all administrative law

judges (ALJ) as required in **Government Code section 11371**, which requires that all ALJs receive medical training as recommended by the Board. During fiscal year 2015-2016, three training sessions were held in the topics of anatomy and systems of the body, prescribing practices, and medical record keeping.

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

Specialty/Subspecialty	No. of Reports <sup>1</sup>	No. of Physicians <sup>2</sup>
Anesthesiology	31	6,006
Cardiology	13	3,390
Colon and Rectal	3	197
Critical Care	1	1,418
Dermatology	2	2,177
Emergency Medicine	38	4,532
Endocrinology	3	643
Gastroenterology	9	1,725
General/Family Practice	52	10,115
General Surgery	62	4,000
Gynecology	30	6,019
Hematology	2	1,131
Infectious Disease	1	801
Internal Medicine	53	28,415
Neonatal/Perinatal	6	683
Nephrology	1	1,222
Neurological Surgery	16	559
Neurology	12	2,130
Obstetrics	48	6,019
Ophthalmology	12	2,868
Orthopedic Surgery	55	3,420
Otolaryngology	21	1,649
Pain Medicine	6	634
Pathology	7	4,010
Pediatrics	18	10,985
Physical Medicine & Rehabilitation	1	1,199
Plastic Surgery	18	952
Psychiatry	8	7,458
Pulmonology	2	1,567
Radiology	46	6,399
Rheumatology	3	706
Sports Medicine	3	324
Thoracic Surgery	7	487
Urology	11	1,256
Vascular Surgery	6	311

**Reports Received Based Upon Legal Requirements**

Physicians and Surgeons	FY 14-15	FY 15-16
<b>Medical Malpractice</b>		
Insurers: B&P Code §801.01	476	<b>498</b>
Attorneys or Self-Reported or Employers: B&P Code §801.01	125	<b>146</b>
Courts: B&P Code §803	2	<b>1</b>
<b>Total Malpractice Reports</b>	603	<b>645</b>
Coroners’ Reports: B&P Code §802.5	5	<b>4</b>
Criminal Charges & Convictions: B&P Code §802.1 & §803.5	95	<b>97</b>
Health Facility Discipline Reports Medical Cause or Reason: B&P Code §805	96	<b>127</b>
Health Facility Reports: B&P Code §805.01	4	<b>5</b>
Outpatient Surgery Settings Reports Patient Death: B&P Code §2240(a)	9	<b>10</b>
<b>Allied Health Care Professions</b>	<b>FY 14-15</b>	<b>FY 15-16</b>
Midwife Hospital Transfer Forms: B&P Code §2510	138	<b>148</b>
Outpatient Adverse Event Reports: B&P Code §2216.3	104	<b>111</b>

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

<sup>2</sup> California physicians certified in specialty according to the 2013-2014 American Board of Medical Specialties Certification Statistics Report.

# Enforcement Program Action Summary

## Physicians and Surgeons

	FY 14-15	FY 15-16		FY 14-15	FY 15-16
<b>Administrative Actions</b>			<b>Referral and Compliance Actions</b>		
Accusation	310	299	Citation and Administrative Fines Issued	5 <sup>2</sup>	55
Petition to Revoke Probation/Accusation and Petition to Revoke	21	27	<b>Petition Activity</b>		
Amended Accusation/Petition to Revoke	70	57	Petition for Reinstatement of License Filed	7	28
Number of completed investigations referred to the AG awaiting the filing of an Accusation as of June 30, 2016	104	61	Petition for Reinstatement of License Granted	11	8
Number of cases over 6 months old that resulted in the filing of an Accusation	254	316	Petition for Reinstatement of License Denied	8	5
<b>Administrative Outcomes</b>			Petition for Penalty Relief Granted <sup>3</sup>	28	16
Revocation	40	39	Petition for Penalty Relief Denied <sup>3</sup>	9	6
Surrender (in lieu of Accusation or with Accusation pending)	80	80	Petition to Compel Exam Filed	12	20
Suspension	0	0	Petition to Compel Exam Granted	12	18
Probation with Suspension	13	3	Petition to Compel Exam Denied	0	0
Probation	110	117	<b>License Restrictions/Suspensions Imposed While Administrative Action Pending</b>		
Probationary License Issued	10	14	Interim Suspension Orders	14	37 <sup>4</sup>
Public Reprimand	86	106	Temporary Restraining Orders	0	0 <sup>4</sup>
Other Actions (e.g., exam required, educational course, etc.)	3	2	Other Suspension Orders	38	48 <sup>5</sup>
Accusation Withdrawn <sup>1</sup>	12	7	<b>License Restrictions/Suspensions/Temporary Restraining Orders Sought and Granted by Case Type</b>		
Accusation Dismissed	10	7	<b>NOTE: Some orders granted were sought in prior FY.</b>	Sought	Granted
<b>Dispositions of Probation Filings</b>			Gross Negligence/Incompetence	11	5
Probation Revoked	5	10	Inappropriate Prescribing	9	9
Probation Surrendered	5	7	Unlicensed Activity	0	1
Additional Suspension	0	0	Sexual Misconduct	16	13
Additional Suspension and Probation	1	0	Mental/Physical Illness	23	23
Additional Probation	12	9	Self-Abuse of Drugs or Alcohol	16	18
Public Reprimand	0	1	Fraud	5	3
Other Actions	0	0	Criminal Charges/Conviction of a Crime	10	8
Petition Withdrawn	2	0	Unprofessional Conduct	5	5
Petition Dismissed	0	1	<b>Total</b>	95	85

<sup>1</sup> 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.

<sup>2</sup> Effective 7/1/14, the Board's sworn staff within the Enforcement Program transferred to the Division of Investigation's Health Quality Investigation Unit. The authority to issue a citation by the Enforcement Program was lost due to this transition. The statistic reflects citations issued by the Board's Chief of Licensing only.

<sup>3</sup> Penalty Relief includes Petitions for Modification of Penalty and Petitions for Termination of Probation.

<sup>4</sup> Pursuant to B&P Code §2220.05 (c), ISOs and TROs were granted in the following priority categories: 1 – gross negligence/incompetence resulting in death or serious bodily injury, 0 – drug or alcohol abuse involving death or serious bodily injury, 2 – excessive prescribing, 0 – excessive recommending of medical cannabis, 4 – sexual misconduct with a patient, and 1 – practicing under the influence of drugs/alcohol.

<sup>5</sup> Includes 0 – Automatic Suspension Orders per B&P Code §2236, 10 – license restrictions per Penal Code §23, 6 – license restrictions pursuant to court order, 18 – out-of-state suspension orders per B&P Code §2310, 0 – stipulated agreement to suspend or restrict the practice of medicine, and 14 – suspension/cease practice orders issued for violation of probation condition.

Enforcement Field Operations Caseload	FY 15-16	
	Statewide	Per Investigator
<b>Health Quality Investigation Unit Caseload<sup>1</sup></b>		
Active Investigations	1,552	20 <sup>2</sup>
AG Cases Assigned <sup>3</sup>	521	9 <sup>2</sup>
<b>Probation Unit Caseload<sup>4</sup></b>	<b>Statewide</b>	<b>Per Inspector</b>
Monitoring Cases <sup>5</sup>	500	33

<sup>1</sup> Includes physicians and surgeons, licensed midwives, research psychoanalysts, dispensing opticians program, outpatient surgery settings, polysomnographic program, doctors of podiatric medicine, physician assistants, psychologists, and osteopathic physicians and surgeons.

<sup>2</sup> Average is determined by using the total number of authorized positions, including vacant positions. Taking into account the authorized positions that are not vacant, the average active investigations per investigator is 32; the average AG assigned cases per investigator is 11.

<sup>3</sup> 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.

<sup>4</sup> Includes physicians and surgeons and licensed midwives.

<sup>5</sup> 105 additional monitoring cases were inactive because the probationer was out of state as of 6/30/16.

# Enforcement Program Action Summary Physicians and Surgeons

## Reports Per Business and Professions Code Sections 805 and 805.01

	805	805.01
<b>Total Reports Received</b>	127	5
<b>Peer Review Body Type</b>		
Health Care Facility/Clinic	83	2
Surgical Center	3	0
Health Care Service Plan	21	2
Professional Society	0	0
Medical Group/Employer	20	1
<b>Outcomes of Reports Received</b>		
Suspension Order Issued and Accusation Filed	1	1
Accusation Filed	0	1
Pending Disposition	93	1
Cases Closed	33	2

## 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 14-15		FY 15-16	
	AVG	MED	AVG	MED
Complaint Process	141	113	146	119
Investigation Process (Non-Sworn)	91	57	124	52
Investigation Process (Sworn)	310	292	426	367
AG Process (time to file accusation)	92	66	93	67
Other stages of the legal process (e.g., after charges filed)	417	382	453	378

## Administrative Outcomes by Case Type<sup>1</sup>

	Revocation	Surrender	Suspension Only	Probation with Suspension	Probation	Probationary License Issued	Public Reprimand	Other Action	Total Actions
Gross Negligence/Incompetence	8	16	0	0	38	0	64	1	127
Inappropriate Prescribing	5	20	0	2	23	0	7	0	57
Unlicensed Activity	0	3	0	0	5	0	5	0	13
Sexual Misconduct	5	8	0	0	8	0	1	0	22
Mental/Physical Illness	3	18	0	0	2	0	0	0	23
Self-Abuse of Drugs/Alcohol	2	8	0	0	30	0	3	0	43
Fraud	4	3	0	0	1	0	0	0	8
Conviction of a Crime	4	5	0	0	5	0	4	0	18
Unprofessional Conduct	18	6	0	1	14	14	23	1	77
Miscellaneous Violations	0	0	0	0	0	0	0	0	0
<b>Totals by Discipline Type</b>	<b>49</b>	<b>87</b>	<b>0</b>	<b>3</b>	<b>126</b>	<b>14</b>	<b>107</b>	<b>2</b>	<b>388</b>

<sup>1</sup> Pursuant to B&P Code §2220.05(c), disciplinary actions were taken in the following priority categories: 27 – gross negligence/incompetence resulting in death or serious bodily injury, 1 – practicing under the influence resulting in death or serious bodily injury, 27 – excessive prescribing, 1 – excessive recommending of cannabis, 16 – sexual misconduct with a patient, and 6 – practicing under the influence of drugs/alcohol.



# Enforcement Program Action Summary

## Allied Health Care Professions<sup>1</sup>

	FY 14-15	FY 15-16
<b>Complaints/Investigations</b>		
Complaints received	79	<b>22</b>
Complaints closed by Complaint Unit	75	<b>22</b>
<b>Investigations</b>		
Cases opened	34	<b>7</b>
Cases closed	55	<b>10</b>
Cases referred to the AG	6	<b>4</b>
Cases referred for criminal action	0	<b>0</b>
Number of Probation Violation Reports referred to AG	0	<b>0</b>
<b>License Restrictions/Suspensions Imposed While Administrative Action is Pending</b>		
Interim Suspension Orders	0	<b>0</b>
Other Suspension Orders	1 <sup>2</sup>	<b>0</b>
<b>Administrative Actions</b>		
Accusation	4	<b>1</b>
Petition to Revoke Probation	0	<b>0</b>
Amended Accusation/Petition to Revoke Probation	0	<b>0</b>
Statement of Issues to deny application	0	<b>2</b>
Number of completed investigations referred to AG's Office awaiting the filing of an Accusation as of June 30, 2016	1	<b>1</b>

	FY 14-15	FY 15-16
<b>Administrative Outcomes</b>		
Revocation	3	<b>0</b>
Surrender (in lieu of Accusation or with Accusation pending)	1	<b>1</b>
Probation with Suspension	0	<b>0</b>
Probation	1	<b>0</b>
Probationary License Issued	0	<b>0</b>
Public Reprimand	2	<b>0</b>
Other Actions (e.g., exam required, Education course, etc.)	0	<b>0</b>
Statement of Issues Granted (License Denied)	0	<b>0</b>
Statement of Issues Denied (License Granted)	0	<b>0</b>
Accusation/Statement of Issues Withdrawn	0	<b>1</b>
Accusation Dismissed	0	<b>0</b>
<b>Dispositions of Probation Filings</b>		
Additional Probation or Suspension	0	<b>0</b>
Probation Revoked or License Surrendered	0	<b>0</b>
Petition Withdrawn or Dismissed	0	<b>0</b>
<b>Referral and Compliance Actions</b>		
Citation and Administrative Fines Issued	0	<b>0</b>
Office Conferences Conducted	0	<b>0</b>
<b>Petition Activity</b>		
Petition for Reinstatement of License filed	0	<b>0</b>
Petition for Reinstatement of License granted	1	<b>0</b>
Petition for Reinstatement of License denied	0	<b>0</b>
Petition for Penalty Relief granted <sup>3</sup>	0	<b>0</b>
Petition for Penalty Relief denied <sup>3</sup>	0	<b>0</b>
Petition to Compel Exam granted	0	<b>0</b>
Petition to Compel Exam denied	0	<b>0</b>

<sup>1</sup> In FY 2015-2016, Allied Health Care Professions include information for the programs under the Board only – licensed midwives, research psychoanalysts, outpatient surgery settings, and polysomnographic program. FY 2014-2015 includes the Allied Health Care Professions information for the programs under the Board as well as the Dispensing Opticians Program.

<sup>2</sup> Includes 1 license restriction per Penal Code §23 for the dispensing opticians program.

<sup>3</sup> Penalty Relief includes Petitions for Modification of Penalty and Petitions for Termination of Probation.

# Medical Board of California

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