



Medical Board of California

*Information and
Services for Consumers*



www.mbc.ca.gov

(800) 633-2322

What is the Medical Board of California?

The Medical Board of California (Board) is the state government agency that licenses and disciplines medical doctors. The 15-member Board is appointed by the Governor (8 physicians and 5 public members), the Speaker of the Assembly (1 public member), and the Senate Rules Committee (1 public member). The Board's Licensing Program assures that all physicians licensed by the Board meet minimum requirements established by law for education and training. The Board's Enforcement Program provides 2 types of consumer services:

- Investigation of complaints against physicians
- Information about physicians

The Board is not a physician-referral service. If you want a physician referral, please contact your local medical society.

Common causes for filing disciplinary action against a physician

A physician can be disciplined for a number of reasons. Three of the most common violations are:

1. Gross Negligence

Gross negligence is an *extreme departure* from accepted standards of medical practice.

Gross negligence may include:

- Not performing basic diagnostic tests
- Not recognizing or acting on common symptoms presented by a patient
- Not using accepted, effective treatments or diagnostic procedures
- Not referring a patient to a specialist when appropriate

2. Repeated Negligent Acts

Negligent acts that are not an *extreme* departure from accepted standards of practice are still considered a departure from care and considered *simple negligence*. One act of simple negligence is not enough to take formal action against a doctor's license; however, *repeated* negligent acts may be sufficient grounds.

3. Incompetence

If a physician is found to be lacking in knowledge and performing procedures that are beyond his or her training or expertise, or continuing to use a procedure that is unnecessary or obsolete, this may be evidence of incompetence. In addition, a physician who is unable to recognize and act appropriately on a patient's history and symptoms would be considered incompetent.

Other causes for filing disciplinary action

- Sexual misconduct
- Conviction of a serious crime
- Substance abuse
- Violating drug laws or unlawful prescribing
- Dishonesty, including filing false or fraudulent insurance, Medi-Cal or Medicare claims, making illegal referrals, or engaging in kickback schemes
- Knowingly allowing an unlicensed person to practice medicine

When should you file a complaint with the Board?

You should consider filing a complaint with the Medical Board when you believe what a physician has done, is doing, or not doing has harmed or may cause harm to you or another person. If you are not sure about a situation, you should call to ask for guidance. The Medical Board's toll-free, public line is: (800) 633-2322.

If you file a complaint with the Board, it is confidential (however, the physician is advised) unless the Board holds a hearing on the case. If that happens, you may be asked to testify or to make a statement under oath about the circumstances relating to the complaint.

The complaint and disciplinary process

Board staff receives and evaluates complaints against physicians. Complaints are investigated where there is reason to believe the law may have been violated. The Attorney General's (AG) office files charges against violators and prosecutes the charges. A deputy AG represents the Board at public hearings held by administrative law judges (ALJ) for physicians accused of violating the law. The Board may:

1) adopt, modify, or reject the proposed decisions of the ALJ following hearings;
2) adopt alternative decisions when ALJ decisions are rejected; and 3) adopt disciplinary actions that are negotiated through *stipulated agreements* instead of going to hearing.

If the charges are proved at a hearing, the Board's final decision can:

1) revoke or suspend the physician's license to practice medicine, 2) place the physician on probation, 3) restrict his or her practice, or 4) impose other legal penalties.

In certain situations, Board staff may request a competency examination or a psychiatric examination of the physician.

The Board staff may refer a case against a physician to local law enforcement when it determines criminal violations may have occurred.

Obtaining information about physicians from the Board

- Is the physician currently licensed? Check a physician's profile online at: www.mbc.ca.gov, or call the consumer information/complaint line at (800) 633-2322 to learn if your physician is licensed.
- Has the Board ever taken disciplinary action against the physician? If yes, it may be posted on our Web site's home page under "Enforcement Public Documents." If not, you can request a copy of the disciplinary decision by contacting our Central File Room at (916) 263-2525.
- Is a disciplinary charge (called an *Accusation*) pending? If yes, it may be posted on our Web site under "Enforcement Public Documents." If not, you can request a copy by contacting our Central File Room at (916) 263-2525.
- Is there any other public information on this physician's record (for example, criminal convictions, malpractice judgments)?

If you have a problem with a physician . . .

Most patients have no major problems with their physicians. If problems exist, they usually are minor and can be resolved through discussion with your physician. The Board has no authority to act on complaints such as scheduling, personality conflicts, or disputes over bills or insurance. If you have a problem with a physician and you believe it is affecting the quality of care you receive, you should contact the Medical Board.

Be informed. Be healthy.

- Always use an appropriately licensed health care professional
- Don't accept treatment from or take prescription drugs from unlicensed individuals
- Use the Medical Board as a physician information resource

In addition to physicians, the Medical Board of California also accepts complaints against:

- Opticians and Contact Lens and Spectacle Lens Dispensers
- Medical Assistants
- Podiatrists
- Physician Assistants
- Research Psychoanalysts
- Licensed Midwives (non-nurse)

To talk to a Medical Board staff person who can assist you, call the Board's toll-free line:

(800) 633-2322

Medical Board of California
2005 Evergreen Street, Ste. 1200
Sacramento, CA 95815

You can access much of this information from the Medical Board's Web site at:

www.mbc.ca.gov