



## MEDICAL BOARD OF CALIFORNIA Enforcement Program

### HEALTH FACILITY/PEER REVIEW REPORTING FORM (Required by Section **805.01** of the California Business & Professions Code)

NOTE: Certain actions, with respect to staff privileges, membership or employment of physicians and podiatrists must be reported to the Medical Board of California when they are imposed or voluntarily accepted for a medical disciplinary cause or reason.

#### REPORTING ENTITY

Please check type of Reporting Entity	Health Care Facility or Clinic – §805(a)(1)(A) Professional Society - §805(a)(1)(c) Ambulatory Surgical Center - §805(a)(1)(A)	Health Care Service Plan - §805(a)(1)(B) Medical Group or Employer - §805(a)(1)(D)
Name		Telephone #:
Chief Executive Officer/Medical Director/Administrator		Chief of Medical Staff
Name of person preparing report:		Telephone #
Street address	City	State      Zip code

#### LICENTIATE

Name:	License #
Physician	Podiatrist

#### REASON FOR FORMAL INVESTIGATION

<b>Reason for formal investigation that resulted in recommended action:</b>	
	Incompetence, or gross or repeated deviation from the standard of care involving death or serious bodily injury to one or more patients in such a manner as to be dangerous or injurious to any person or the public.
	The use of, or prescribing for or administering to him/herself, any controlled substance; or the use of any dangerous drug, as defined in Section 4022, or of alcoholic beverages, to the extent or in such a manner as to be dangerous or injurious to the licentiate, or any other persons, or the public, or to the extent that such use impairs the ability of the licentiate to practice safely.
	Repeated acts of clearly excessive prescribing, furnishing or administering of controlled substances or repeated acts of prescribing, dispensing, or furnishing of controlled substances without a good faith effort prior examination of the patient and medical reason therefor.
	Sexual misconduct with one or more patients during a course of treatment or an examination.

#### RECOMMENDED ACTION

	Termination or revocation of staff privileges, membership or employment
	Summary suspension of staff privileges, membership or employment
	Restriction of staff privileges, membership or employment
List proposed specific restrictions:	
Date final decision/recommendation made:	

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Chief Executive Officer/Medical Director/Administrator

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Chief of Medical Staff

## California Business and Professions Code Section 805.01

(a) As used in this section, the following terms have the following definitions:

- (1) "Agency" has the same meaning as defined in Section 805.
- (2) "Formal investigation" means an investigation performed by a peer review body based on an allegation that any of the acts listed in paragraphs (1) to (4), inclusive, of subdivision (b) occurred.
- (3) "Licentiate" has the same meaning as defined in Section 805.
- (4) "Peer review body" has the same meaning as defined in Section 805.

(b) The chief of staff of a medical or professional staff or other chief executive officer, medical director, or administrator of any peer review body and the chief executive officer or administrator of any licensed health care facility or clinic shall file a report with the relevant agency within 15 days after a peer review body makes a final decision or recommendation regarding the disciplinary action, as specified in subdivision (b) of Section 805, resulting in a final proposed action to be taken against a licentiate based on the peer review body's determination, following formal investigation of the licentiate, that any of the acts listed in paragraphs (1) to (4), inclusive, may have occurred, regardless of whether a hearing is held pursuant to Section 809.2. The licentiate shall receive a notice of the proposed action as set forth in Section 809.1, which shall also include a notice advising the licentiate of the right to submit additional explanatory or exculpatory statements electronically or otherwise.

(1) Incompetence, or gross or repeated deviation from the standard of care involving death or serious bodily injury to one or more patients, to the extent or in such a manner as to be dangerous or injurious to any person or to the public. This paragraph shall not be construed to affect or require the imposition of immediate suspension pursuant to Section 809.5.

(2) The use of, or prescribing for or administering to himself or herself, any controlled substance; or the use of any dangerous drug, as defined in Section 4022, or of alcoholic beverages, to the extent or in such a manner as to be dangerous or injurious to the licentiate, any other person, or the public, or to the extent that such use impairs the ability of the licentiate to practice safely.

(3) Repeated acts of clearly excessive prescribing, furnishing, or administering of controlled substances or repeated acts of prescribing, dispensing, or furnishing of controlled substances without a good faith effort prior examination of the patient and medical reason therefor. However, in no event shall a physician and surgeon prescribing, furnishing, or administering controlled substances for intractable pain, consistent with lawful prescribing, be reported for excessive prescribing and prompt review of the applicability of these provisions shall be made in any complaint that may implicate these provisions.

(4) Sexual misconduct with one or more patients during a course of treatment or an examination.

(c) The relevant agency shall be entitled to inspect and copy the following documents in the record of any formal investigation required to be reported pursuant to subdivision (b):

- (1) Any statement of charges.
- (2) Any document, medical chart, or exhibit.
- (3) Any opinions, findings, or conclusions.
- (4) Any certified copy of medical records, as permitted by other applicable law.

(d) The report provided pursuant to subdivision (b) and the information disclosed pursuant to subdivision (c) shall be kept confidential and shall not be subject to discovery, except that the information may be reviewed as provided in subdivision (c) of Section 800 and may be disclosed in any subsequent disciplinary hearing conducted pursuant to the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

(e) The report required under this section shall be in addition to any report required under Section 805.

(f) A peer review body shall not be required to make a report pursuant to this section if that body does not make a final decision or recommendation regarding the disciplinary action to be taken against a licentiate based on the body's determination that any of the acts listed in paragraphs (1) to (4), inclusive, of subdivision (b) may have occurred.