

# Enforcement Program Central Complaint Unit Review Process

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# Central Complaint Unit (CCU)

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- ❖ Initial Review of Complaints
- ❖ Mandated Priorities
- ❖ Quality of Care Complaints
- ❖ Physician Conduct Complaints
- ❖ Medical Consultant Program
- ❖ Citation and Fine Program



# Medical Board Priorities

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- ▶ In 2003, Section 2220.05 was added to the Business and Professions Code, which establishes priorities for the Medical Board's investigative and prosecutorial resources as follows:
  - Gross negligence, incompetence, or repeated negligent acts that involve death or serious bodily injury to one or more patients;
  - Drug or alcohol abuse by a physician involving death or serious bodily injury to a patient;

# Medical Board Priorities

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- Repeated acts of clearly excessive prescribing of controlled substances, or repeated acts of prescribing or dispensing of controlled substances without a good faith prior exam or a medical reason;
- Repeated acts of clearly excessive recommending of cannabis to patients for medical purposes, or repeated acts of recommending cannabis to patients for medical purposes without a good faith prior exam or a medical reason; (added January 2016)

# Medical Board Priorities



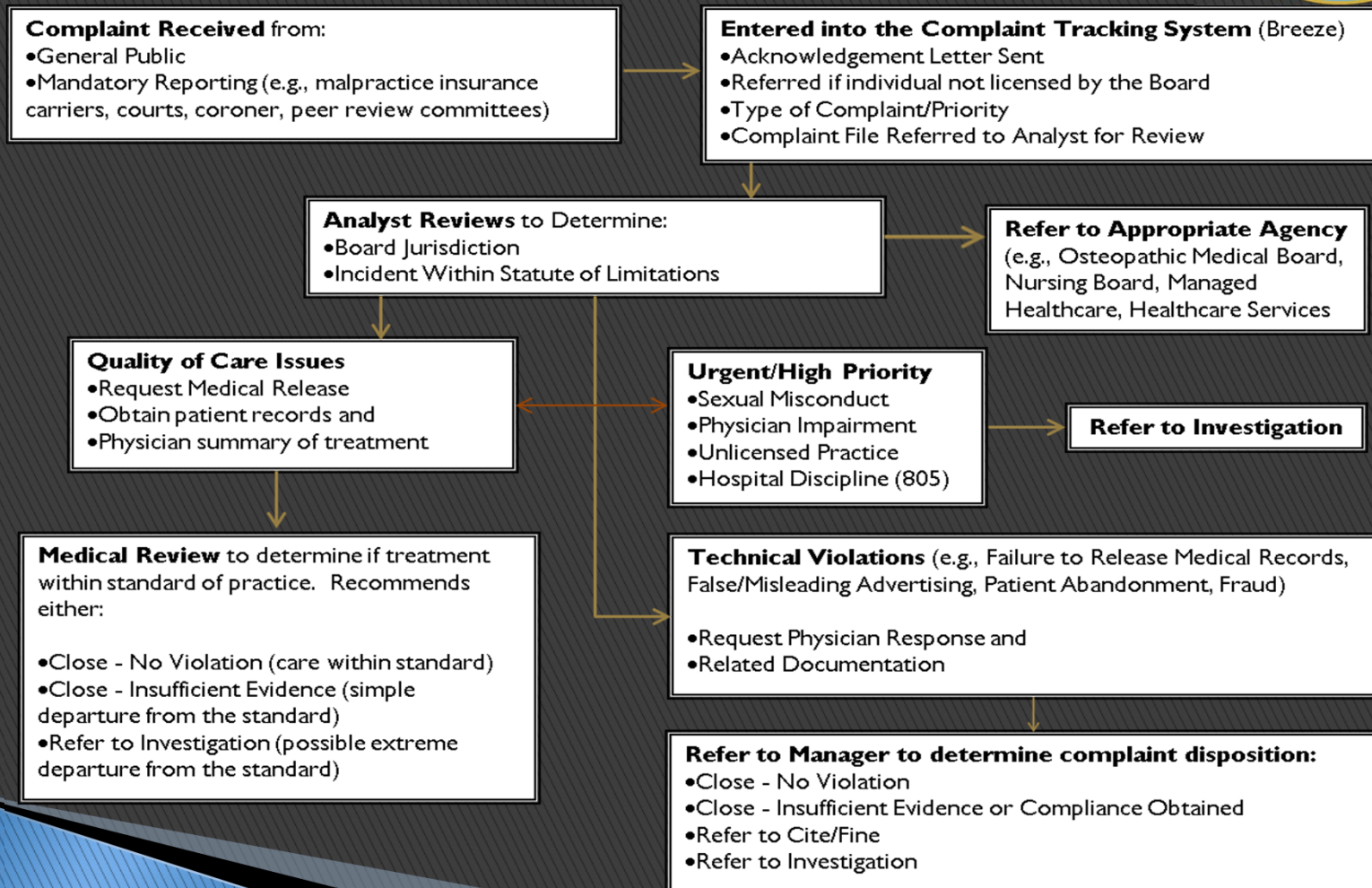
- Sexual misconduct with one or more patients during a course of treatment or an examination;
- Practicing medicine while under the influence of drugs or alcohol; and
- Repeated acts of clearly excessive prescribing, furnishing, or administering psychotropic medications to a minor without a good faith prior examination of the patient and medical reason (added January 2017).





# Complaint Review Process

## Overview



# Complaint Review Process



**MEDICAL BOARD OF CALIFORNIA  
CONSUMER COMPLAINT FORM**  
*Please Print or Type*

PERSON REGISTERING THE COMPLAINT	
○ Mr. ○ Ms. <b>Name:</b> _____ <small>(Last Name) (First Name) (Middle Initial)</small>	
<b>Mailing Address:</b> _____ _____ <small>(City) (State) (Zip Code)</small>	
<b>Phone Number:</b> _____ <small>(Daytime Number) (Evening Number)</small>	<b>E-mail:</b> _____
○ Mr. ○ Ms. <b>Patient Name:</b> _____ <small>(Last Name) (First Name) (Middle Initial)</small>	
<b>Patient Date of Birth:</b> _____	<b>Your Relationship to Patient:</b> _____
<b>Signature:</b> _____	<b>Date:</b> _____
NATURE OF COMPLAINT	
Please check the box which best describes the nature of your complaint and provide details on the next page.	
<input type="checkbox"/> <b>Standard Care</b> (e.g., Misdiagnosis, Negligent Treatment, Delay in Treatment, etc.)	<input type="checkbox"/> <b>Unlicensed Provider or Aiding/Abetting unlicensed practice</b>
<input type="checkbox"/> <b>Prescribing Issues</b> (e.g., excessive/under prescribing, Internet)	<input type="checkbox"/> <b>Physician/Provider Impairment</b> (e.g., Drug, Alcohol, Mental, Physical)
<input type="checkbox"/> <b>Sexual Misconduct</b>	<input type="checkbox"/> <b>Unprofessional Conduct</b>

- ▶ Complaint is received from:
  - Public (patient, patient’s family, friend, etc.)
  - Mandated Report
  - Licensee
  - Government Agency
  - Anonymous/Miscellaneous

# Complaint Review Process



- ▶ Triage allegations





# Complaint Review Process



- ▶ Contact patient (or designee) for authorization to obtain records

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - Department of Consumer Affairs EDMUND G. BROWN JR., Governor

**MEDICAL BOARD OF CALIFORNIA**  
Central Complaint Unit

**AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION**

Patient Name (Last, First, Middle)	Date of Birth
Medical Record Number (If applicable)	Date of Death (If applicable)
Control Number	Social Security Number (Optional)

I, the undersigned hereby authorize:

Physician/Facility: \_\_\_\_\_



- ▶ Contact physician for treatment summary and medical records (B&P 2220.08)

- ▶ Medical consultant review (upfront expert)



# Medical Consultant Program



## Pursuant to Business and Professions Code Section 2220.08:

(a) Except for reports received by the board pursuant to Section 805 that may be treated as complaints by the board and new complaints relating to a physician who is the subject of a pending accusation or investigation or who is on probation, any complaint determined to involve quality of care, before referral to a field office for further investigation, shall be reviewed by one or more medical experts with the pertinent education, training, and expertise to evaluate the specific standard of care issues raised by the complaint to r field investigation is required.

# Medical Consultant Program



- ▶ Selection criteria used by CCU to approve applications for Medical Reviewers:
  - Current valid license
  - Active practice or retired within last three years
  - Specialty certification
  - No record of complaints on file with the Board and no medical malpractice cases
    - ther comparable experience desired

# Complaint Review Process

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- ▶ Possible CCU Outcomes
  - Close case
  - Refer for formal investigation
  - Issue a citation and fine

# Citation and Fine Program



## Pursuant to Business and Professions Code Section 125.9:

(a) Except with respect to persons regulated under Chapter 11 (commencing with Section 7500), any board, bureau, or commission within the department, the board created by the Chiropractic Initiative Act, and the Osteopathic Medical Board of California, may establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board, bureau, or commission where the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.

# Citation and Fine Program



(b) The system shall contain the following provisions:

(1) Citations shall be in writing and shall describe with particularity the nature of the violation, including specific reference to the provision of law determined to have been violated.

(2) Whenever appropriate, the citation shall contain an order of abatement fixing a reasonable time for abatement of the violation.



# Complaint Statistics



## Complaint Statistics for Fiscal Year 2015-16

▶ Complaints received	8,679
▶ Complaints closed by CCU	9,001
▶ Complaints referred to investigation	1,654
▶ Citations and Fines Issued	55
▶ Average number of days to review complaints in CCU	146 days



THANK YOU!