

MEDICAL BOARD OF CALIFORNIA



AN OVERVIEW OF THE EXPERT REVIEWER UTILIZATION IN THE CENTRAL COMPLAINT UNIT

Business and Professions Code Section 2220.08.

..... “any complaint determined to involve quality of care, before referral to a field office for further investigation, shall meet the following criteria:

(1) It 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 determine if further field investigation is required.”

CCU Medical Experts

- **Possess a current California medical license in good standing**
 - no prior discipline
 - no Accusation pending
 - no complaint history within the last three years
- **Board certification in one of the 24 ABMS specialties**
- **Have an active practice or retired within the last 2-3 years**
- **Peer review or comparable experience is desirable**

**MEDICAL BOARD OF CALIFORNIA
CENTRAL COMPLAINT UNIT**



**MEDICAL CONSULTANT
PROCEDURE MANUAL**

What precedes the CCU Expert Review?

- Acquisition of all relevant medical records
- Subject is asked to provide a written summary describing the care provided to the patient

Composition of CCU Expert Pool

Medical Specialty	No. of consultants
Anesthesiology	14
Cardiology	13
Dermatology	4
ENT/Otolaryngology	3
Gastroenterology	4
Family Practice	16
Hematology/Oncology	7
Internal Medicine	31
Midwife	1
Obstetrics/Gynecology	12
Ophthalmology	7
Orthopedics	6
Neurology	5
Neurological Surgery	4
Pathology	2
Pediatrics	11
Plastic Surgery	2
Psychiatry	12
Radiology (interventional)	4
Radiology (diagnostic)	5
Surgery	15
Urology	6
Total No. of Consultants	184

Consultant Findings

- **No violation/departure** - no departure from the standard of practice or any other misconduct by the physician. The complaint is closed by CCU without further investigation.
- **Simple departure** - physician's conduct deviated from the standard of practice but does not warrant further investigation. The complaint is closed by CCU and retained for 5 years.
- **Refer for further investigation** - care found to potentially represent an extreme departure from the standard of practice. The complaint is referred for further investigation.

How Long Does it Take?

- Average No. of Days to Complete Review: 50 days
- Total No. of cases reviewed by
CCU experts in 2009/2010: 2248

MEDICAL BOARD OF CALIFORNIA



AN OVERVIEW OF THE EXPERT REVIEW IN THE FIELD

EXPERT QUALIFICATIONS

- **Possess a current California medical license in good standing**
 - no prior discipline
 - no Accusation pending
 - no complaint history within the last three years
- **Board certification in one of the 24 ABMS specialties**
- **Have an active practice**
 - at least 80 hours a month in direct patient care, clinical activity, or teaching, at least 40 hours of which is in direct patient care



MEDICAL BOARD OF CALIFORNIA
ENFORCEMENT PROGRAM



EXPERT REVIEWER GUIDELINES

(revised September, 2009)



District Offices
contact information

<p>Cerritos 12750 Center Court Drive South, Suite 750 Cerritos CA 90703 Tel.: (562) 402-4668; Fax (562) 865-5247</p>	<p>Fresno 1277 E. Alluvial Avenue, Suite 110 Fresno, CA 93720 Tel.: (559) 447-3050; Fax (559) 447-3054</p>
<p>Glendale 320 Arden Avenue, Suite 250 Glendale, CA 91203 Tel: (818) 551-2117; Fax (818) 551-2131</p>	<p>Pleasant Hill 3478 Buskirk, Suite 217 Pleasant Hill, CA 94523 Tel: (925) 937-1900; Fax (925) 937-1964</p>
<p>Rancho Cucamonga 9166 Anaheim Place, Suite 110 Rancho Cucamonga, CA 91730 Tel: (909) 476-7146; Fax (909) 476-7213</p>	<p>Sacramento 2535 Capitol Oaks Drive, Suite 220 Sacramento, CA 95833 Tel: (916) 263-2585; Fax (916) 263-2591</p>
<p>San Bernardino 464 West 4th Street, Suite 429 San Bernardino, CA 92401 Tel: (909) 383-4755; Fax (909) 383-4172</p>	<p>San Diego 4995 Murphy Canyon Road, Suite 203 San Diego, CA 92123 Tel. (858) 467-6830; Fax (858) 467-6836</p>
<p>San Dimas 160 E. Via Verde, Suite 230 San Dimas, CA 91773 Tel. (909) 421-5800; Fax (909) 599-2756</p>	<p>San Jose 1735 Technology Drive, Suite 800 San Jose, CA 95110 Tel: (408) 437-3680; Fax (408) 437-3693</p>
<p>Tustin 15641 Redhill Avenue, Suite 215 Tustin, CA 92780 Tel: (714) 247-2126; Fax (714) 247-2137</p>	<p>Valencia 27202 Turnberry Lane, Suite 280 Valencia, CA 91355 Tel: (661) 295-3397; Fax (661) 295-3030</p>
<p>Office of Standards & Training/MBC HQ 2005 Evergreen St., Suite 1200 Sacramento, CA 95815 (916) 263-2517; Fax (916) 263-2530</p>	<p>Operation Safe Medicine 160 E. Via Verde, Suite 245 San Dimas, CA 91773 (909) 421-5830; Fax (909) 599-4609</p>

www.mbc.ca.gov

Expert Reviewer Program

320 Arden Avenue, Suite 250, Glendale, CA 91203 Tel: (818) 551-2129; Fax (818) 551-2131

http://www.mbc.ca.gov/licensee/expert_reviewer.html

EXPERT TRAINING

WHAT PRECEDES AN EXPERT REVIEW

- ACQUISITION OF ALL RELEVANT RECORDS
- INTERVIEWS OF ALL SALIENT WITNESSES
- INTERVIEW OF SUBJECT



CHOOSING AN EXPERT

The screenshot shows a web browser window titled "Expert Reviewer Master Page - Windows Internet Explorer". The address bar displays "http://165.235.24.248/ExpertReviewerProgram/". The browser's menu bar includes "File", "Edit", "View", "Favorites", "Tools", and "Help". The toolbar shows "Convert" and "Select" buttons. The page content features a blue header with the "dca" logo (Department of Consumer Affairs), the "Medical Board of California Expert Reviewer Program" title, and the Medical Board of California seal. Below the header is a search box labeled "Search By Last Name". A section titled "Primary Specialties" contains a scrollable list of medical specialties, each with a folder icon and a plus sign. The specialties listed are: ADDICTION MEDICINE - ASAM CERTIFIED, ADMINISTRATIVE MEDICINE, AEROSPACE MEDICINE, AIDS/HIV, ALLERGY & IMMUNOLOGY, ANESTHESIOLOGY, BIOETHICS, CARDIOLOGY, COLON & RECTAL SURGERY, COMPLEMENTARY/ ALTERNATIVE/ INTEGRATIVE MEDICINE, CORRECTIONAL MEDICINE, DERMATOLOGY, ECHOCARDIOGRAPHY - NBE CERTIFIED, EMERGENCY MEDICINE, ENDOCRINOLOGY & METABOLISM, and ETHICS. The browser's status bar at the bottom shows "Done", "Local intranet", and "100%". The Windows taskbar at the very bottom includes the "start" button, taskbar icons for "Microsoft PowerPoint ..." and "Expert Reviewer Mas...", and a system tray showing the time "3:33 PM" and date "Wednesday, 4/6/2011".

Expert Reviewer Master Page - Windows Internet Explorer

http://165.235.24.248/ExpertReviewerProgram/

File Edit View Favorites Tools Help

Convert Select

Expert Reviewer Master Page

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

Medical Board of California
Expert Reviewer Program

STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
1870

Search By Last Name

Primary Specialties

- ADDICTION MEDICINE - ASAM CERTIFIED
- ADMINISTRATIVE MEDICINE
- AEROSPACE MEDICINE
- AIDS/HIV
- ALLERGY & IMMUNOLOGY
- ANESTHESIOLOGY
- BIOETHICS
- CARDIOLOGY
- COLON & RECTAL SURGERY
- COMPLEMENTARY/ ALTERNATIVE/ INTEGRATIVE MEDICINE
- CORRECTIONAL MEDICINE
- DERMATOLOGY
- ECHOCARDIOGRAPHY - NBE CERTIFIED
- EMERGENCY MEDICINE
- ENDOCRINOLOGY & METABOLISM
- ETHICS

Done Local intranet 100%

start

Microsoft PowerPoint ... Expert Reviewer Mas...

3:33 PM
Wednesday, 4/6/2011



Medical Board of California Expert Reviewer Program



Search By Last Name

Clear Results

Primary Specialties

- ADDICTION MEDICINE - ASAM CERTIFIED
- ADMINISTRATIVE MEDICINE
- AEROSPACE MEDICINE
- AIDS/HIV
- ALLERGY & IMMUNOLOGY
- ANESTHESIOLOGY
 - ADDICTION MEDICINE - NOT CERTIFIED, PRACTICING
 - BOARD CERTIFIED-PEDIATRICS
 - CARDIAC ANESTHESIA
 - CRITICAL CARE MED- BOARD CERTIFIED
 - EPIDURAL STEROIDS
 - GENERAL ANESTHESIA
 - ICU CARE
 - ICU CARE-PEDIATRIC
 - IMPLANTATION OF SPINAL CORD STIMULATORS
 - INTERNAL MED-BOARD CERTIFIED

Profile Info	County	Last Name	First Name	In Use	Flagged	Rating AVG	Cases	License	License Status	Zip
Click Here	Alameda	Jaffe	Rory	Available	OK TO USE	5	3	G48138	License Renewed & Current	946
Click Here	Alameda	O'Young	Judy	Available	OK TO USE	5	10	G49793	License Renewed & Current	946
Click Here	Alameda	Jenkins	William	Available	OK TO USE	4	3	G52263	License Renewed & Current	945
Click Here	Alameda	Clauson	William	Available	OK TO USE	1	5	G 27171	License Renewed & Current	945
Click Here	Alameda	Schuchard	Marilee	Available	OK TO USE	3	2	G 28782	License Renewed & Current	945
Click Here	BINGHAM	Porot	Marc	Available	OK TO USE	2	2	A42809	License Renewed & Current	832
Click Here	Contra Costa	Baumgartl	William	Available	OK TO USE	3	2	G 67802	License Renewed & Current	945
Click Here	Contra Costa	Hershey	Brian	Available	OK TO USE		1	G52478	License Renewed & Current	945

INTERVIEWING THE EXPERT



MEDICAL BOARD OF CALIFORNIA
EXPERT REVIEWER PROGRAM



CASE REVIEW CHECKLIST

EXPERT REVIEWER NAME:	CASE NUMBER:
MBC EMPLOYEE:	DATE OF INTERVIEW:
BACKGROUND CHECKS:	
Review CAS Licensing and Enforcement to ensure no prior or pending discipline, or any disqualifying complaints or investigations pending or closed due to insufficient evidence.	
Review Civil Index	
ONCE THE EXPERT REVIEWER IS CLEARED THROUGH ABOVE ITEMS, CONTACT THE SELECTED EXPERT AND CONDUCT A BRIEF PHONE INTERVIEW TO ENSURE THE EXPERT UNDERSTANDS:	
The specialty or subspecialty of the subject, and has a minimum of three years in practice in the specialty/subspecialty, currently practices in the same specialty/subspecialty and has expertise regarding the issue/treatment in question (performed the same procedure) during the time period in question.	
Name of the subject and there are no personal or financial conflicts of interest.	
Ask if there are any pending legal or administrative matters that could, in anyway, be used to challenge the physician's credentials or expertise (e.g., pending hospital charges or discipline; pending criminal/civil litigation, pending criminal violations).	
The amount of material to be reviewed. Determine if there is anything that would preclude the expert from providing the opinion/report within 30 days.	
They are to complete the review in less than 10 hours, unless preapproved for more hours.	
The reimbursement rate for case review and report preparation is set at \$150.00 per hour (unless the Deputy Chief has preapproved a higher rate).	
To contact MBC immediately if they discover the opinion cannot be furnished in 30 days or in less than 10 hours.	
That confidentiality is a legal requirement .	
To contact MBC immediately if they are contacted by outside sources, e.g., the media, defense counsel, etc.	
The need to define medical terminology so a lay person understands their opinion. The best mechanism found is to parenthetically explain any medical term.	
They are not to conduct their own investigation or contact any witnesses. They are welcome, however, to contact the Investigator or Medical Consultant to acquire additional information if it is necessary to develop/complete their opinion.	
They are welcome to consult medical literature, if appropriate.	
They are to render their own opinion as to the standard of practice at the time of the event(s) in question. The expert must have been in practice at the time of the event(s) in question, and have direct experience with the medical issue(s) under review.	
The format for the report as follows: <ul style="list-style-type: none"> Describe/List all the Records/Materials reviewed. Summarize the Case (they are to identify and ask for any missing records and to contact the investigator if there are missing records to be requested). List the Medical Issue and for each issue, state the Standard of Care at the time of the event(s) in question. Provide an Analysis and determine if the care in question was or was not a deviation from the standard of practice. Under Conclusion, define the deviation from the standard in terms of No Departure, Simple Departure, or Extreme Departure; and/or Lack of Knowledge and state why and be specific. 	
*Before preparing an opinion, experts shall review the instructions provided with the Expert Package.	
Remind experts to listen to the recording of the physician interview or to listen to any recordings provided before preparing their report and to contact the investigator with any problems about the recordings.	
Draft reports (via fax, email, mail) are not accepted. Experts must proofread their reports thoroughly. Expert reports are read by many (supervisors, attorneys, and administrative law judges).	
The request for this review does not imply there is a deviation from the standard of care.	
All records provided to them must be returned to the Investigator.	
To contact the Investigator or Medical Consultant if they are unclear about how to complete this process.	

RETAIN THIS DOCUMENT IN THE INVESTIGATION CASE FOLDER

PREPARING THE EXPERT PACKAGE

- ASSEMBLING ALL RELEVANT INFORMATION
- REVIEW BY SUPERVISOR
- REVIEW BY DEPUTY ATTORNEY GENERAL
- PERSONAL DELIVERY (IDEAL) TO EXPERT



FOLLOWING UP

Investigators follow up with experts three weeks after package delivery.



HOW LONG DOES IT TAKE?

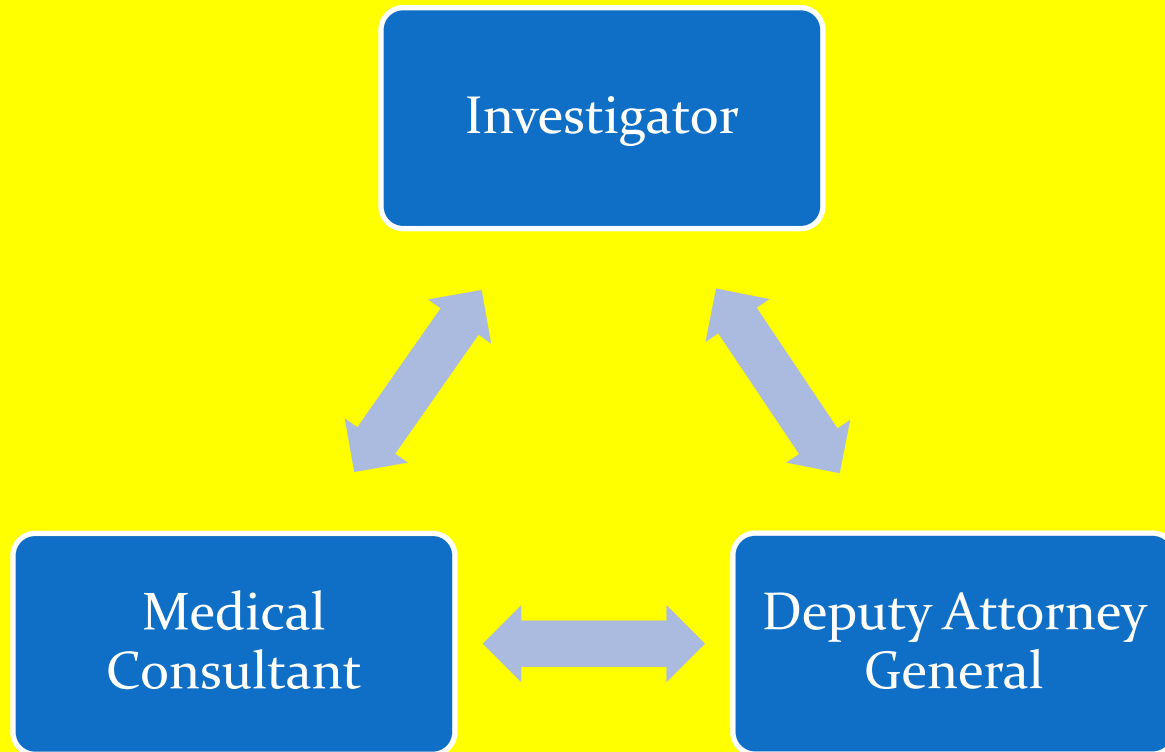
Since July 01, 2010, out of 299 records:

- the average day between delivery of package to receipt of opinion is 47 days
- the median is 36 days

OTHER WAYS EXPERTS ARE UTILIZED

- ORAL COMPETENCY EXAM
 - 3 examiners
- MENTAL EXAM
- PHYSICAL EXAM
 - Either voluntary or can be compelled by the Board.

RECEIVING THE OPINION



OPINION REVIEWED

Common problems:

- Incorrect terminology
- Arriving at a conclusion without analysis
- Failing to review all documents
- Failing to listen to recording



EXPERT FINDINGS

- **No violation/departure** - no departure from the standard of practice or any other misconduct by the physician. The complaint is closed.
- **Simple departure** - physician's conduct deviated from the standard of practice but does not warrant further investigation. The complaint is closed and retained for 5 years.
- **Extreme departure** - Referred to the Office of the Attorney General.

RATINGS

- Upon receipt of the opinion, the expert is evaluated.
- Feedback from the investigator, medical consultant and attorney are key in rating the experts for future use.

**MEDICAL BOARD OF CALIFORNIA
EXPERT REVIEWER PROGRAM**

MBC EVALUATION OF EXPERT PERFORMANCE

Expert Reviewer:	Investigator:
Subject Name:	Medical Consultant:
MBC Case Number:	Type of Case (violation):
Rate the expert reviewer in each of the following areas. "No" rating must be explained in the "Comments" Column. If additional space is needed, use the "Comments" section on the reverse side of this form.	
TASK	COMMENTS [Identify corresponding section letter]
The Investigator should complete Sections I and II	
I. Productivity: A. Date sent to Expert Reviewer. B. Date Returned: C. Complied with guidelines for expert reviewers (Explain any departures from guidelines) <input type="checkbox"/> Yes <input type="checkbox"/> No D. Records returned with report? E. Completed billing statement submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No F. Time billed was appropriate?	
II. Relations With People: A. Was effective in dealing with Board and Attorney General's staff (if appropriate). <input type="checkbox"/> Yes <input type="checkbox"/> No B. Was accessible and cooperative <input type="checkbox"/> Yes <input type="checkbox"/> No C. Exhibited appropriate professional demeanor during preparation meeting and hearing. <input type="checkbox"/> Yes <input type="checkbox"/> No	
The Medical Consultant should complete Sections III-V	
III. Quality of Work Product: A. Complied with guidelines for expert reviewers (Explain any departures from guidelines) <input type="checkbox"/> Yes <input type="checkbox"/> No B. Report was clear, understandable, used lay terminology or explained technical terms. <input type="checkbox"/> Yes <input type="checkbox"/> No C. Report was complete and factual. <input type="checkbox"/> Yes <input type="checkbox"/> No D. Overall quality of report was acceptable, professional. <input type="checkbox"/> Yes <input type="checkbox"/> No	
IV. Medical Case Analysis: A. Complied with guidelines for expert reviewers. (Explain any departures from guidelines) <input type="checkbox"/> Yes <input type="checkbox"/> No B. Stated the standard of practice for each treatment reviewed . <input type="checkbox"/> Yes <input type="checkbox"/> No C. Specifically described any reported departure from the standard of practice (as described in the guidelines) <input type="checkbox"/> Yes <input type="checkbox"/> No D. Summarized each patient case reviewed. <input type="checkbox"/> Yes <input type="checkbox"/> No	
V. Decision Making: A. Complied with guidelines for expert reviewers (Explain any departures from guidelines) <input type="checkbox"/> Yes <input type="checkbox"/> No B. Listed all documents and records reviewed in forming conclusion(s). <input type="checkbox"/> Yes <input type="checkbox"/> No C. Conclusion(s) reached were supported by analysis. <input type="checkbox"/> Yes <input type="checkbox"/> No D. Opinion(s) on standard of care were within the reviewer's area of specialty. <input type="checkbox"/> Yes <input type="checkbox"/> No E. Avoided offering legal opinions in report. <input type="checkbox"/> Yes <input type="checkbox"/> No F. Avoided recommending penalty or punishment. <input type="checkbox"/> Yes <input type="checkbox"/> No	

**MEDICAL BOARD OF CALIFORNIA
EXPERT REVIEWER PROGRAM**

DAG EVALUATION OF EXPERT PERFORMANCE

Expert Reviewer:		Deputy Attorney General:	
Subject Name:		MBC Case Number:	
Type of Case (violation):			
Provide a brief evaluation of the Expert Reviewer in each of the following areas. Any rating of 1 or 2 must be explained in the "Comments" Column. Use the following ratings:			
(5) Excellent (4) Above Average (3) Average (2) Below Average (1) Poor			
TASK	RATING	COMMENTS	
Written Report: (Factors to consider: clarity; completeness; technical terms defined; factual accuracy; objectivity; professional "tone" and style; departures from standard of care were clearly identified, and report specifies how/why they were departures, and whether they were simple or extreme departures.)			
Knowledge of Case: (Factors to consider: demonstrated reasonable familiarity with case during pre-hearing interviews with DAG, investigator or medical consultant; during testimony did not need excessive prompting; did not make major errors regarding facts or circumstances.)			
Preparation For Hearing: (Factors to consider: was reasonably available to meet or confer with DAG; kept appointments or gave reasonable notice if unavailable; returned phone calls within reasonable time; cooperative; amendable to suggestions on procedure; did not contribute to excessive delays or continuances in scheduling of hearing; professional demeanor at all times.)			
Testimony at Hearing: (Factors to consider: responsive to questions; replies were clear, concise, on point; professional demeanor; demonstrated expertise consistent with credentials; cooperative.)			
Other: (If other factors not addressed above contributed to your overall evaluation, please summarize. Use reverse side if necessary.)			
Overall Rating			

NOTICE - CONFIDENTIAL: This evaluation is intended only for the use of the Office of the Attorney General or the Medical Board of California. It contains information from the State of California, Office of the Attorney General, or the Medical Board of California, which is privileged, confidential and exempt from disclosure under applicable law. If the reader of this evaluation is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this evaluation is strictly prohibited.

INSTRUCTIONS FOR COMPLETING THIS FORM



QUESTIONS???