

# Medical Board of California Enforcement Process

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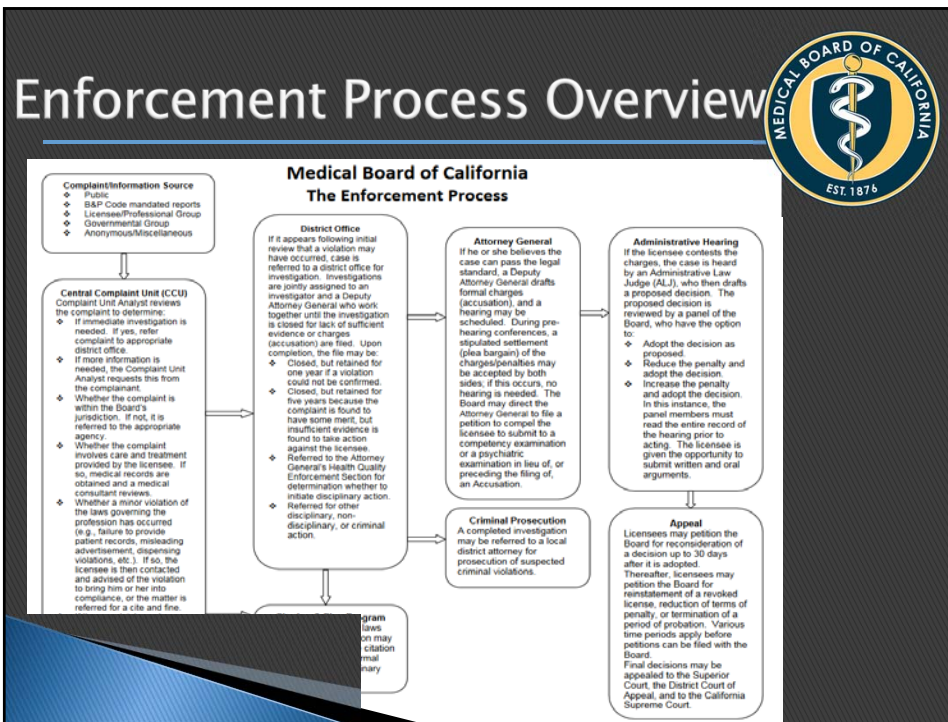
Kimberly Kirchmeyer,  
Executive Director

## Mission and Highest Priority


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*The mission of the Medical Board is to **protect health care consumers** through the proper **licensing and regulation** of physicians & surgeons and certain allied health care professionals 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.*



# Complaint Review Process



**Complaint is received from:**

- Public (patient, patient's family, friend, etc.)
- Mandated Report
- Licensee
- Government Agency
- Anonymous/Miscellaneous

## Complaint Review Process



### ➤ Central Complaint Unit

- ✓ Triage allegations



## Complaint Review Process



### ➤ Midwifery Conduct Complaints

- ✓ Failure to Provide Medical Records
- ✓ Failure to Sign Death Certificate
- ✓ Fraud
- ✓ Patient Abandonment

## Complaint Review Process



- Urgent Complaints
  - ✓ Sexual Misconduct
  - ✓ Impairment – physical/mental
  - ✓ Criminal Conviction
  - ✓ Unlicensed Activity
  - ✓ 805 Reports
- Quality of Care Complaints
  - ✓ Negligence/Incompetence

## Complaint Review Process



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



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:	Local Security Number (if provided):
I, the undersigned hereby authorize:	
Physician/Facility:	

- Contact midwife for treatment summary and medical records

## Complaint Review Process



- Consultant review (upfront expert)
- Possible Complaint Unit Outcomes
  - ✓ Close case
  - ✓ Refer for formal investigation
  - ✓ Issue a citation and fine



## Investigation Process



- Formal Investigation (objective)
- Vertical Enforcement – Joint assignment to an Investigator and a Deputy Attorney General (DAG)
- Investigator develops initial plan/confers with assigned DAG

(Vertical Enforcement process will change effective January 1, 2019)

## Investigation Process



### Quality of Care Cases

- ▶ Requests records (release vs. subpoena)
- ▶ Interviews complainant and other witnesses
- ▶ Submits for District Medical Review



## Investigation Process



### Quality of Care Cases

- ▶ Interview midwife
- ▶ Submit for expert review
  - In some cases, more than one expert is required



## Investigation Process



### Other Types of Cases

- Obtain copies of the arrest and/or conviction report
- Obtain copies of the court documents



- Interview midwife
- Undercover operation
- Possibly request an evaluation

## Investigation Process



### ➤ Possible Investigation Outcomes

- ✓ Close case
- ✓ Issue citation and fine
- ✓ Refer for disciplinary action
- ✓ Refer for criminal action

## Disciplinary Process



- Accusation filed
  - ✓ First public document unless suspension issued

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BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against: Case No. [REDACTED]

[REDACTED] ACCUSATION

Licensed Midwife No. [REDACTED] Respondent.

Complainant alleges: PARTIES

- Notice of Defense

## Disciplinary Process



- Three types of decisions:

1. Stipulated Settlement

2. Administrative Hearing



3. Default Decision



## Disciplinary Process



- All decisions go to a Panel of the Board, except Surrender of License and Default Decisions
  - ✓ Adopt
  - ✓ Non-adopt
  - ✓ Reject

## Disciplinary Process



- Appeal Process
  - ✓ Order to Vacate
  - ✓ Board – Petition for Reconsideration
  - ✓ Superior Court – Writ of Mandate
  - ✓ Court of Appeals
  - ✓ Supreme Court

## Disciplinary Process



- Disciplinary outcomes:
  - ✓ Revocation/Surrender
  - ✓ Probation (with terms and conditions)
    - Conditions may include, but not be limited to:
      - ✓ Educational Programs
      - ✓ Prohibited Practices
      - ✓ Prescribing Restrictions
      - ✓ Practice/Billing Monitor
  - ✓ Suspension
  - ✓ Public Reprimand
  - ✓ Accusation Withdrawn/Dismissed



## Final Reporting



- ✓ Board's website
- ✓ National Practitioner's Databank
- ✓ Newsletter



PUBLIC RECORD ACTIONS	
>	ADMINISTRATIVE DISCIPLINARY ACTIONS (1)
>	COURT ORDER (NO RECORDS)
>	ADMINISTRATIVE CITATION ISSUED (NO RECORDS)

PUBLIC DOCUMENTS	
>	DECISION (1)



