

## Citation and Fine Program



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## Authority for the Program



- Business and Professions Code Section 125.9 gives the Board authority to issue a citation and fine for a minor violation of the Medical Practice Act.
- Citation requests are referred from:
  - Central Complaint Unit
  - Discipline Coordination Unit
  - Probation Unit
  - Health Quality Investigation Unit (with Board approval)
  - Licensing Unit

## Citation and Fine Program



- Citations must be issued in writing.
  - Must include the nature of the violation
  - Must state the specific law that was violated
  - Can be served or sent by certified mail

## Citation and Fine Program



- Fines range from \$0 to \$5,000.
  - The gravity of the violation
  - Good faith by the licensee
  - Licensee's history of previous violations



## What Qualifies?



- ▶ Title 16, California Code of Regulations Section 1364.11 outlines all of the violations when a citation can be used.
  - 90 listed statutes where a citation can be used
  - Includes violations by all license types
    - Examples:
      - Failing to provide a current address of record to the Board as required by law.
      - Failing to maintain adequate and accurate medical records.
      - Referral violations.
      - Failing to have a Fictitious Name Permit.

## Statistics



- How often is this used?
- FY 17/18 – 150
- FY18/19 – 158
  - With one issued to a licensed midwife
- FY19/20 – 28 (through September 2019)



## Orders of Abatement



- ▶ Requires a licensee to fulfill or meet a requirement prior to resolution
  - Examples:
    - Provide records
    - Submit new address

## Citations



- ▶ Citations may include that the licensee complete a course such as a medical record keeping course.
- ▶ A citation can be withdrawn by the Board.

## Appeal Rights



- ▶ Title 16, California Code of Regulations Section 1364.14 – Contesting Citations
  - ✓ Informal Conferences
  - ✓ Administrative Hearings

## The Appeal Process for Citations



- ▶ A licensee has the right to appeal and may contest the citation by sending a written notice to the Board within 10 days of the date of the citation. An appeal form is provided by the Board with the notice.
- ▶ After receipt, an informal conference is scheduled for review of the matter within 30 days.
- ▶ A decision must be made and sent to the licensee within 10 days of the informal conference.

## Request for Administrative Hearing



- ▶ A licensee can request that matter go straight to an Administrative Hearing (no informal conference)

OR

- ▶ May request an administrative hearing after an informal conference

## Payment



- ▶ What if someone doesn't pay their fine?
- ▶ Board staff pursues payment from the licensee.
- ▶ Non-payment options include:
  - The amount due can be added to the licensee's next renewal.
  - Referred to the Franchise Tax Board.
  - Referred for an accusation for failing to pay the citation.



# Disclosure



## Public Disclosure

- ▶ Business and Professions Code Section 2027
- ▶ Title 16, California Code of Regulations Section 1364.15
  - ✓ Citations shall be disclosed to the public if requested
  - ✓ Posted on the website 30 days after issuance, unless appealed
  - ✓ If appealed, not posted until resolution reached

# Record retention



## Record Retention

3 years from the date of resolution, unless withdrawn



## Questions

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## Thank you

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- ▶ A special thank you to Marco Armas for his assistance in preparing this presentation.