

## MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: August 16, 2022  
ATTENTION: Members, Medical Board of California  
SUBJECT: Proposed Complainant Liaison Unit  
STAFF CONTACT: Jenna Jones, Chief of Enforcement

Requested Action:

Staff request the members of the Medical Board of California (Board) to provide direction to Board staff regarding the ongoing development of a proposed Complainant Liaison Unit (Liaison Unit) and, if appropriate, direct staff to place an updated proposal for Board consideration at an upcoming Board meeting.

Background:

At the February 2022 Board meeting, staff were directed to develop a proposal to create the Liaison Unit with the goal of expanding existing levels of complainant support and communication and foster stakeholder understanding of the Board's role and its procedures.

Discussion:

If approved, the Complainant Liaison Unit (Liaison Unit) would supplement the Medical Board of California's (Board) existing enforcement personnel. As discussed further below, the Liaison Unit would have the following areas of responsibility:

- Consumer Communication Prior to Filing a Complaint
- Complainant Communication Support After Case Referred to Field
- Support Consumer Outreach Regarding the Board's Role and Procedures
- Evaluate Complaint Closure Review Requests

*Consumer Communication Prior to Filing a Complaint*

The Liaison Unit would respond to all communications about the complaint and enforcement process from the public prior to the filing of a complaint. This would include, but not be limited to, responding to emails and phone calls from those with questions about how to file a complaint and what information and documents should be included.

After it is filed, the complaint, including all communication with the complainant, would continue to be handled by the staff of the Central Complaint Unit (CCU).

### *Complainant Communication Support After Case Referred to Field*

After a case is referred to HQIU for further investigation, complainants will be advised to contact the Liaison Unit in case of questions. The Liaison Unit would coordinate necessary communication between the investigator and complainant.

Once a case proceeds to the Attorney General's Office (AGO), the Liaison Unit would provide the complainant with additional details regarding the process, expected timeframes, and answer other general questions. The Deputy Attorney General assigned to the case may also be in contact with the complainant if needed at a hearing as a witness. The Liaison Unit would not interfere with a complainant's interaction with the AGO, but would assist and facilitate communications, as needed.

If the Board's disciplinary decision is appealed by the licensee, the Liaison Unit would be a resource to assist the complainant through the various appeal steps and the timing involved. When a licensee asserts their due process rights and appeals a case through a writ to a superior court, and possibly to higher courts, the Liaison Unit could update the complainant on how long the licensee has to file an appeal and what the general timeframes are for those steps to take place.

### *Support Consumer Outreach Regarding the Board's Role and Procedures*

The Liaison Unit would partner with the Public Information Unit to update website content (e.g. narrative webpage content, podcasts, videos) that improves public understanding of the Board's enforcement process, including related laws and policies. Liaison Unit staff would participate in appropriate online and in-person outreach events to educate attendees on the Board's role and procedures. The staff may also be able to engage with outside organizations to increase public awareness of the Board and its functions.

### *Evaluate Complaint Closure Review Requests*

If CCU closes a complaint, the closure letter would include a request for review form (and appropriate instructions) the complainant could fill out and return to MBC, if they believe the case was closed in error or if they have additional information to support their allegations.

If a request for review is received, it would be routed to the Liaison Unit to review. The Liaison Unit would log the requests, review, and handle necessary correspondence with the complainant but would not be able to disclose confidential information.

Further, the Board's upcoming online complaint tracking system is expected to provide a substantial amount of additional information to consumers about the status of their complaint.

### *Liaison Unit Staffing Needs*

Staff project that the Liaison Unit would require adding four new Board employees, including a lead or manager and three analysts. Due to the possibility of significant workload, this number may need to be revised as the program is initiated and up and running. To meet the needs of the Liaison Unit, the Board would require staff who understand and can explain the Board's enforcement process to consumers. Therefore, these staff members will require an acumen for customer service and possess excellent communication skills.

Managing the proposed complaint closure review request process will be a significant part of their workload. They will need to be able to review CCU cases and make the determination on whether the case should undergo further review and investigation or not and then communicate their decision to the complainant.

The Board does not have the personnel allocation or the funding available to establish such a unit at this time. Staff suggest including a Board-approved proposal for the Liaison Unit within the Board's 2022 sunset report. If approved, the Board would need to seek a Budget Change Proposal to include at least four (4) additional staff and a budget of \$450,956 per year.