Central Complaint Unit (CCU)

- Initial Review of Complaints
- Mandated Priorities
- Quality of Care Complaints
- Physician Conduct Complaints
- Medical Consultant Program
- Citation and Fine Program
In 2003, Section 2220.05 was added to the Business and Professions Code, which establishes priorities for the Medical Board’s investigatory 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

- 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 Received from:**
- General Public
- Mandatory Reporting (e.g., malpractice insurance carriers, courts, coroner, peer review committees)

**Entered into the Complaint Tracking System** (Breeze)
- Acknowledgement Letter Sent
- Referred if individual not licensed by the Board
- Type of Complaint/Priority
- Complaint File Referred to Analyst for Review

**Analyst Reviews to Determine:**
- Board Jurisdiction
- Incident Within Statute of Limitations

**Quality of Care Issues**
- Request Medical Release
- Obtain patient records and
- Physician summary of treatment

**Refer to Appropriate Agency** (e.g., Osteopathic Medical Board, Nursing Board, Managed Healthcare, Healthcare Services)

**Medical Review** to determine if treatment within standard of practice. Recommends either:
- Close - No Violation (care within standard)
- Close - Insufficient Evidence (simple departure from the standard)
- Refer to Investigation (possible extreme departure from the standard)

**Urgent/High Priority**
- Sexual Misconduct
- Physician Impairment
- Unlicensed Practice
- Hospital Discipline (805)

**Technical Violations** (e.g., Failure to Release Medical Records, False/Misleading Advertising, Patient Abandonment, Fraud)
- Request Physician Response and
- Related Documentation

**Refer to Manager to determine complaint disposition:**
- Close - No Violation
- Close - Insufficient Evidence or Compliance Obtained
- Refer to Cite/Fine
- Refer to Investigation
Complaint Review Process

- 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

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

- Medical consultant review (upfront expert)
(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 determine if further 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
  - Peer review or other comparable experience desired
Complaint Review Process

- Possible CCU Outcomes
  - Close case
  - Refer for formal investigation
  - Issue a citation and fine
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.
(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!