



# MEDICAL BOARD OF CALIFORNIA

Protecting consumers by advancing high quality, safe medical care.

## Enforcement Program

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Gavin Newsom, Governor, State of California | Business, Consumer Services and Housing Agency | Department of Consumer Affairs

### HEALTH FACILITY/PEER REVIEW REPORTING FORM (Required by Section 805 of the California Business & Professions Code)

NOTE: Certain actions, with respect to staff privileges, membership or employment of physicians, podiatrists, licensed midwives and physician assistants must be reported to the Medical Board of California when they are imposed or voluntarily accepted for a medical disciplinary cause or reason. Reports on osteopathic physicians, dentists and psychologists should be directed to their respective Boards. Please see the reverse/second page of this form for further information.

**\*\*\*\*PLEASE PRINT OR TYPE\*\*\*\***

#### REPORTING ENTITY

Please check type of Reporting Entity		<input type="checkbox"/> Health Care Facility or Clinic - §805(a)(1)(A)	<input type="checkbox"/> Health Care Service Plan - §805(a)(1)(B)
		<input type="checkbox"/> Professional Society - §805(a)(1)(c)	<input type="checkbox"/> Medical Group or Employer - §805(a)(1)(D)
		<input type="checkbox"/> Ambulatory Surgical Center - §805(a)(1)(A)	
Name		Telephone #	
Chief Executive Officer/Medical Director/Administrator		Chief of Medical Staff	
Name of person preparing report		Telephone #	
Street address	City	State	Zip code

#### LICENTIATE

Name	License #
<input type="checkbox"/> Physician	<input type="checkbox"/> Podiatrist
<input type="checkbox"/> Licensed Midwife	<input type="checkbox"/> Physician Assistant

#### ACTION TAKEN

<u>Date(s)</u> of Action(s) and Duration (attached additional sheets if necessary)	
<u>Type(s)</u> of Action(s) - Check all that apply.	<b>CHECK HERE IF THIS IS A SUPPLEMENTAL REPORT</b> <input type="checkbox"/>
(a) For a medical disciplinary cause or reason: <input type="checkbox"/> Denial/rejection of application for staff privileges <input type="checkbox"/> Denial/rejection of application for membership	<input type="checkbox"/> Termination or revocation of staff privileges <input type="checkbox"/> Termination or revocation of membership <input type="checkbox"/> Termination or revocation of employment
(b) For a cumulative total of 30 days or more for any 12 month period, and for a medical disciplinary cause or reason: <input type="checkbox"/> Restriction(s) imposed on staff privileges <input type="checkbox"/> Restriction(s) imposed on membership <input type="checkbox"/> Restriction(s) imposed on employment	<input type="checkbox"/> Restriction(s) voluntarily accepted on staff privileges <input type="checkbox"/> Restriction(s) voluntarily accepted on membership <input type="checkbox"/> Restriction(s) voluntarily accepted on employment
If staff privileges were restricted, list specific restrictions imposed or voluntarily accepted:	
(c) Following notice of an impending investigation based on information indicating medical disciplinary cause or reason: <input type="checkbox"/> Licentiate resigned from staff <input type="checkbox"/> Licentiate resigned from membership <input type="checkbox"/> Licentiate resigned from employment	<input type="checkbox"/> Licentiate took leave of absence from staff <input type="checkbox"/> Licentiate took leave of absence from membership <input type="checkbox"/> Licentiate took leave of absence from employment
(d) For a summary suspension that remains in effect for a period in excess of 14 days for a medical disciplinary cause or reason: <input type="checkbox"/> Imposition of summary suspension on staff privileges <input type="checkbox"/> Imposition of summary suspension on employment	<input type="checkbox"/> Imposition of summary suspension on membership

**DESCRIPTION OF ACTION:** Attach additional sheet(s) describing the facts and circumstances of the medical disciplinary cause or reason and any other relevant information related to the action taken, including, but not limited to, the number of cases reviewed, time frame covered, any patient deaths involved, any malpractice filings as a result of the physician's actions, any expert/peer opinions obtained, etc.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Chief Executive Officer/Medical Director/Administrator

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Chief of Medical Staff

## ADDITIONAL INFORMATION

To complete this form, for definition of terms, when, how, and who should report, please refer to Section 805 of the California Business and Professions Code. You may access this information via [www.leginfo.ca.gov](http://www.leginfo.ca.gov) under California Law, Business and Professions Code.

**PLEASE NOTE:** Section 805(k) of the California Business and Professions Code states: “A willful failure to file an 805 report by any person who is designated or otherwise required by law to file an 805 report is punishable by a fine not to exceed one hundred thousand dollars (\$100,000) per violation. The fine may be imposed in any civil or administrative action or proceeding brought by or on behalf of any agency having regulatory jurisdiction over the person regarding whom the report was or should have been filed. If the person who is designated or otherwise required to file an 805 report is a licensed physician and surgeon, the action or proceeding shall be brought by the Medical Board of California. The fine shall be paid to that agency but not expended until appropriated by the Legislature. A violation of this subdivision may constitute unprofessional conduct by the licentiate. A person who is alleged to have violated this subdivision may assert any defense available at law. As used in this subdivision, ‘willful’ means a voluntary and intentional violation of a known legal duty.”

Section 805(l) of the California Business and Professions Code states: “Except as otherwise provided in subdivision (k), any failure by the administrator of any peer review body, the chief executive officer or administrator of any health care facility, or any person who is designated or otherwise required by law to file an 805 report, shall be punishable by a fine that, under no circumstances shall exceed fifty thousand dollars (\$50,000) per violation. The fine may be imposed in any civil or administrative action or proceeding brought by or on behalf of any agency having regulatory jurisdiction over the person regarding whom the report was or should have been filed. If the person who is designated or otherwise required to file an 805 report is a licensed physician and surgeon, the action or proceeding shall be brought by the Medical Board of California. The fine shall be paid to that agency but not expended until appropriated by the Legislature. The amount of the fine imposed, not exceeding fifty thousand dollars (\$50,000) per violation, shall be proportional to the severity of the failure to report and shall differ based upon written findings, including whether the failure to file caused harm to a patient or created a risk to patient safety; whether the administrator of any peer review body, the chief executive officer or administrator of any health care facility, or any person who is designated or otherwise required by law to file an 805 report exercised due diligence despite the failure to file or whether they knew or should have known that an 805 report would not be filed; and whether there has been a prior failure to file an 805 report. The amount of the fine imposed may also differ based on whether a health care facility is a small or rural hospital as defined in Section 124840 of the Health and Safety Code.”

Section 805(m) of the California Business and Professions Code states: “A health care service plan registered under Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code or a disability insurer that negotiates and enters into a contract with licentiates to provide services at alternative rates of payment pursuant to Section 10133 of the Insurance Code, when determining participation with the plan or insurer, shall evaluate, on a case-by-case basis, licentiates who are the subject of an 805 report, and not automatically exclude or deselect these licentiates.”

### CONFIDENTIALITY

This report is not a waiver of the confidentiality of medical records and committee reports. The contents of this report may be viewed only by those persons specified in Section 800(c) of the Business and Professions Code, except as required by Section 805.5 of the Business and Professions Code.

### COPY TO LICENTIATE

A copy of the 805 report, with a cover letter informing the Licentiate of his or her right to submit additional statements or other information pursuant to Section 800(c) of the Business and Professions Code, must be sent by the reporting entity to the Licentiate.

### SUPPLEMENTAL REPORT

A supplemental report must be made within thirty (30) days following the date the Licentiate is deemed to have satisfied any terms, conditions, or sanctions imposed as corrective action by the reporting entity.