MEDICAL BOARD OF CALIFORNIA
Executive Office

Notice of Report Release

The Medical Board of California (Board) wants to thank the California Research Bureau (CRB) for conducting this observational report on *Demographics of Disciplinary Action by the Medical Board of California 2003 – 2013.* This report was requested by the Board in response to concerns about bias in the Board's disciplinary process. While the Board had previously performed its own analysis on the Board's complaints, investigations, and disciplinary action over a three-year period, the CRB report was an independent and broader analysis, using different methodology over a 10-year period.

It is important to note that, due to limitations in the study's design and methodology, the CRB was not able to draw definitive conclusions regarding the drivers and scope of the disparities highlighted in its report. Despite the limitations, the information in this report is vital as it could help the Board determine the root causes of these disparities and the most effective means of solving them.

The Board takes the disparities highlighted in the CRB's report very seriously and is taking aggressive and proactive steps to investigate and address them, including:

- Convening a Task Force of Board Members to review the report and deliver specific recommendations on how best to proceed. The Board expects to receive the Task Force's recommendations at its next Board meeting.
- Conduct a review of existing complaint, investigation, and disciplinary processes to better understand the institutional and procedural issues that may have contributed to the disparities outlined in the report. Portions of this review will begin immediately and the Task Force will be charged with providing additional insight and advice on the review process in their recommendations.
- The Board will review the Task Force's recommendations and determine the next steps to implement the recommendations.

The Board's Complaint, Investigation and Disciplinary Process: A Primer

As indicated above, the Board will be undertaking a review of its existing disciplinary process. It is very complex, has many components, and involves multiple parties making decisions that lead to discipline. Complaints are brought to the Board's attention through other parties external to the Board, including patients, family members, licensees, other state agencies, media, mandated reporters, other state's disciplinary actions, etc. Key steps the Board takes to ensure the integrity of the process and that physicians' rights are respected include:

- Conducting a review of the complaint and gathering evidence to prove or disprove the allegation. For quality of care complaints, physician experts in the same specialties review the cases to determine whether there is a departure from standard of care.

- In cases, where it is determined a violation may have occurred they are referred to investigators at the Department of Consumer Affairs and to attorneys at the Attorney General's Office, who work together to perform an objective investigation of the facts of the case.
- If a formal accusation is filed, it proceeds through the disciplinary process and is either settled via a stipulation or continues to a hearing before an administrative law judge (ALJ) who issues a proposed decision based upon the evidence presented at hearing. The Attorney General's Office must prove the case by clear and convincing evidence before an ALJ will propose discipline.
- A panel of the Board reviews the stipulations and proposed decisions and makes the final disciplinary decision.

The Board will ensure that all parties involved in the disciplinary decision-making process are aware of the information provided in this report and its immediate next steps due to the importance of this issue. Again, the Board thanks the CRB for its work on the report and for assisting the Board.

The Demographics of Disciplinary Action by the Medical Board of California (2003-2013) report is available from the California Research Bureau Reports page.