

SB 798 – Medical Board Sunset Bill

Hospitals and malpractice insurers are notified when a doctor is placed on probation, but patients are left in the dark. They can only find out their doctor's status if they have computer and internet access and try to navigate the website of the California Medical Board, the state agency that licenses physicians.

82 percent of Americans favor the idea of doctors having to tell patients they are on probation, and why. Source: 2016 Consumer Reports survey of 1,203 U.S. adults.

The chart below from the state Medical Board shows that on average about 124 doctors (out of over 140,000 licensed physicians) are placed on probation each year by the Medical Board for a variety of offenses. As originally introduced, SB 798 would have required all 124 docs to notify their patients about their probation.

Recent amendments supported by the Medical Board limit notification to only those cases involving sexual misconduct, criminal conviction involving the practice of medicine, drug or alcohol abuse during practice, repeat probation offenders, and violations where the board believes notification is appropriate. This will likely mean that, on average, about 1/3 or 40 of the 124 docs on probation each year will be required to notify their patients.

	FY 15/16	FY 14/15	FY 13/14	FY 12/13	FY 11/12	FY 10/11	FY 09/10
Gross Negligence/Incompetence	38	41	43	47	69	36	48
Inappropriate Prescribing	25	20	12	21	8	12	15
Unlicensed Activity	5	5	2	7	2	1	1
Sexual Misconduct	8	5	14	6	4	5	6
Mental/Physical Illness	2	11	4	3	5	1	3
Self-Abuse Drugs/Alcohol	30	30	15	25	19	14	13
Fraud	1	3	2	2	11	0	2
Conviction of a Crime	5	3	25	14	2	15	9
Unprofessional Conduct	15	18	20	8	6	9	4
Misc. Violations	0	0	0	5	4	4	5
Totals by Discipline Type	129	136	137	138	130	97	106

In opposition, the California Medical Association argues that requiring doctors to notify their patients would put them out of business. The alternative, which is not telling them at all, is unacceptable. SB 798 would only apply to future probation cases and would only require the doctor to provide the following information:

Example of Patient Notification

Doctor: Name

Probation Status: Placed on 5 years probation / probation end date.

Probation Terms: Completing a medical record keeping course, a professionalism program, obtaining a practice and billing monitor, and prohibited from engaging in the solo practice of medicine.

Website: www2.mbc.ca.gov/BreezePDL/default.licenseNumber=75451

Phone Number: Medical Board Consumer Information Unit 916-263-2382