



## IN BRIEF

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Requires doctors placed on probation after July 2019 to notify their patients about their probation status prior to the patient’s first visit. The bill would apply to physicians and surgeons licensed by the Medical Board of California, the California Board of Podiatric Medicine, and the Osteopathic Medical Board of California; doctors licensed by the state’s Naturopathic Medicine Committee; practitioners licensed by the state Board of Chiropractic Examiners and licensees of the California Acupuncture Board.

## EXAMPLE NOTICE

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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](http://www2.mbc.ca.gov/BreezePDL/default.licenseNumber=75451)

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

## BACKGROUND

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About 140,000 physicians and surgeons are licensed to practice in the state by the Medical Board of California. The Medical Board revokes the licenses of about 108 doctors each year for misconduct, but they also negotiate probation with about 124 doctors which allow them to keep practicing.

A study by the California Research Bureau found that doctors who engage in misconduct are 30 percent more likely to reoffend.

Hospitals and malpractice insurers are already notified when a doctor is placed on probation, but patients are left in the dark. The only way they can find out their doctor’s probation status is if they have computer and internet access and try to navigate the Medical Board’s website and read through lengthy legal documents.

SB 1448 breaks the silence on misconduct and ensures that future patients are fully informed.

## RESPONSE TO OPPOSITION

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Doctors who face probation in the future would have a choice: Either pursue a hearing by an administrative law judge or agree to terms of probation with the Medical Board. SB 1448 would require that notifying patients of their status is a condition of accepting probation. This does not infringe on a doctor’s due process. Even if a doctor decided to pursue an ALJ hearing, SB 1448 is still necessary since the ALJ might recommend probation. SB 1448 would make sure that patients are informed of the doctor’s probation status.

## THE SOLUTION

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Senate Bill 1448 would make California the first state to require that doctors notify their patients if they are on probation by the Medical Board of California for wrongdoing, including sexual misconduct.

82% 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.

A doctor’s probationary status is a matter of public record that is available in an online search using the Medical Board’s website. But patients must take the initiative if they want to learn about a change in their doctor’s license status. They must look up and then sift through the information themselves. Lack of computer or internet access creates further hurdles for patients, impairing their ability to make informed choices about their medical care and safety.

## RESOURCES

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Doctors on probation in the state as of 2016; list starts on page 70:

<http://sbp.senate.ca.gov/sites/sbp.senate.ca.gov/files/MBC%20Background%20Paper%202017.pdf>

Investigative reports: <http://doctors.ajc.com/>  
<http://www.consumerreports.org/cro/health/doctors-and-hospitals/what-you-dont-know-about-your-doctor-could-hurt-you/index.htm>

Video of news conference with Olympians and other survivors of doctors’ abuse:

<https://youtu.be/S38X2-66rko>

**Data from the California Medical Board:**

**Probation**

	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
<b>Totals by Discipline Type</b>	<b>129</b>	<b>136</b>	<b>137</b>	<b>138</b>	<b>130</b>	<b>97</b>	<b>106</b>

**License Revocations & Surrenders**

	FY 15/16	FY 14/15	FY 13/14	FY 12/13	FY 11/12	FY 10/11	FY 09/10
Gross Negligence/Incompetence	24	22	39	34	37	17	29
Inappropriate Prescribing	25	24	18	18	9	11	12
Unlicensed Activity	3	4	2	1	2	0	1
Sexual Misconduct	13	6	12	16	3	13	14
Mental/Physical Illness	21	25	14	21	18	8	13
Self-Abuse Drugs/Alcohol	10	17	13	17	20	4	16
Fraud	7	8	5	14	7	1	9
Conviction of a Crime	9	3	10	7	12	18	5
Unprofessional Conduct	24	21	15	10	9	12	6
Misc. Violations	0	0	0	0	0	0	0
<b>Totals by Discipline Type</b>	<b>136</b>	<b>130</b>	<b>128</b>	<b>138</b>	<b>117</b>	<b>84</b>	<b>105</b>

**EDITORIAL SUPPORT**

Sacramento Bee, August 15, 2017:

[Doctors and Nurses Unions Fight Disclosure. What They Don't Want You to Know](http://www.sacbee.com/opinion/editorials/article167413457.html)

<http://www.sacbee.com/opinion/editorials/article167413457.html>

In the vast majority of instances, Californians can trust their health to their doctors and nurses. Not so the organizations that represent doctors and nurses...

Los Angeles Times, July 27, 2017

[Patients Have a Right to Know When a Doctor is on Probation for a Serious Violation](http://www.latimes.com/opinion/editorials/la-ed-docs-probation-patient-notification-20170727-story.html)

<http://www.latimes.com/opinion/editorials/la-ed-docs-probation-patient-notification-20170727-story.html>

Before you schedule a physical for your teenage daughter, wouldn't you like to know if her physician has been put on probation by the state medical board for inappropriately touching young female patients? Similarly, wouldn't you want to know if the surgeon who's about to operate on you had been sanctioned for operating while under the influence of drugs?

These shouldn't even be questions.

Bay Area News Group/East Bay Times, July 13, 2017

[Borenstein: Legislature Keeps Patients in the Dark About Bad Doctors](https://www.eastbaytimes.com/2017/07/13/borenstein-legislature-keeps-patients-in-the-dark-about-bad-doctors/)

<https://www.eastbaytimes.com/2017/07/13/borenstein-legislature-keeps-patients-in-the-dark-about-bad-doctors/>

The doctors' lobbyists like it that way. They know disclosure at physicians' offices would chase away patients. So they'd rather leave them in the dark...

San Francisco Chronicle, June 7, 2016

[State Senators Walk Away from Duty on Doctors' Misconduct](#)

<https://www.sfchronicle.com/opinion/editorials/article/State-senators-walk-away-from-duty-on-doctors-7968947.php>

The measure by Sen. Jerry Hill, a San Mateo Democrat, needed a majority of the 40-member chamber but fell short last week with 15 senators in favor and 13 against. Where were the others? They were recorded as not voting, a feature of Sacramento lawmaking that allows elected representatives to dodge an issue even if they are in the Capitol chamber. The practice, known as "taking a walk," is used to hide from a tough choice — a dereliction of a legislator's duty

Mercury News February 25, 2016

[Doctors' Discipline Should Be Made Public](#)

[http://www.mercurynews.com/opinion/ci\\_29563203/mercury-news-editorial-police-doctors-discipline-should-be](http://www.mercurynews.com/opinion/ci_29563203/mercury-news-editorial-police-doctors-discipline-should-be)

Lawmakers need to put the public good ahead of special interests and require disclosure. Doctors are shielded from disclosure when they're placed on probation by the California Medical Board. They have to notify their employers and the hospitals where they practice, but not their patients.

Los Angeles Times, October 15, 2015

[Do You Want to Know If Your Doctor is on Probation?](#)

<http://www.latimes.com/opinion/editorials/la-ed--doctor-probation-20151030-story.html>

It's awkward, no doubt, for a doctor to inform patients when he or she is on probation. The California Medical Assn. predictably objects to notification, saying it would "put a burden on" the doctor-patient relationship. True, but that's the very point: Patients should be fully informed so that they can decide whether they want that relationship to continue. This would simply ensure they actually get the information to which they're already entitled.