

# How to Decipher Public Information Available on the Medical Board of California License Lookup System

by Lori C. Ferguson



Hanson Bridgett Health Care Practice Group  
HANSONBRIDGETT.COM

It's Friday afternoon, and you are daydreaming about a quiet weekend away from the office. Interrupting your reverie, an email pops onto your screen with the subject line "MBC Subscribers' List – Actions relating to the license or practice of physicians and surgeons." You subscribe to this Medical Board of California ("Medical Board") email listserv, so this is nothing unusual. You mechanically open the email and scan the names of the physicians listed. To your dismay, you recognize the name of one of the physicians. Yikes!

You don't panic, and you follow the instruction on the email: "To view the doctor's profile and obtain a copy of the action(s), please go to <http://www.mbc.ca.gov/lookup.html>." You are taken to the Medical Board Physician License Lookup page. There, you click "Continue Search," enter in the physician's last name, click "Search," and then click on the name corresponding to the physician referenced in the email. Now what?

There is quite a bit of public information available on the Medical Board of California License Lookup System. When reviewing this information, either as a result of an email notification from the Medical Board or as part of a credentialing inquiry, it's important to understand what information is and is not available on the Medical Board's website and how to decipher the information that is there.

## Navigating the Tabs: From License Information to Public Record Documents

The first tab on the left in the License Lookup System lists the physician's "License Information." This includes basic license information, including the license number, license type, physician's name, address of record, medical school name and graduation date, and license issuance and expiration date. Of particular interest are the "License Status" and "Public Record Action(s)" noted in the middle of the page. If License Status says anything other than "License Renewed & Current," or if "Public Record

Action(s)” says anything other than “No Public Record Actions available,” you will want to click on to find out more.

The second tab from the left in the License Lookup System lists “Survey Information.” This screen will disclose information, if any, the physician has provided to the Medical Board regarding the number of hours he or she spends providing patient care and administrative services each week, primary practice location zip code, board certifications, primary and secondary practice areas, post-graduate training years, ethnic background, foreign language(s), and gender. The information on this screen may help you verify you are reviewing information about the physician you had in mind. If, for example, your John P. Smith, M.D., is a pulmonologist, but the survey information lists John P. Smith, M.D., as a cardiologist, you will want to double check the license number to make sure you are looking at information about the correct physician.

The third tab in the License Lookup System is “Public Record Action(s).” This tab reveals any “Administrative Disciplinary Actions” taken with respect to the physician’s license. If an Accusation has been filed against the physician, if a final action has been taken against the physician’s license, or if the physician has surrendered his or her license, it will be noted here with the case number, description of action, and effective date of the action. On this tab you will also find certain other publicly available information about the physician, including the following:

- court orders;
- administrative actions taken by other states or the federal government;
- felony convictions after January 3, 1991;
- misdemeanor convictions after January 1, 2007, if the conviction resulted in a Board action or accusation that was not subsequently withdrawn or dismissed;
- administrative citations in the last five years;
- public letters of reprimand at the time of licensure;
- hospital disciplinary actions resulting in termination or revocation of privileges;
- malpractice judgments and arbitration awards (all after January 1, 1998; only those over \$30,000 between January 1, 1993, and January 1, 1998); and
- malpractice settlements after January 1, 2003, if the physician has had three or more in a ten-year period or, if in a high-risk specialty (obstetrics, orthopedic surgery, plastic surgery, and neurological surgery), four or more in a ten-year period.

Note that complaints made to the Medical Board and Medical Board investigations will not be listed. If in doubt about what information is and is not available on this page, click on the last tab, “Important User Notice,” for clarification. Note, too, that review of the Public Record Action(s) tab on the License Lookup System does not satisfy the legal obligation to request 805 Reports from the Medical Board prior to granting or renewing staff privileges. Moreover, an 805 Report request will provide more information regarding medical staff disciplinary than the limited public information available on the website.

The fourth tab from the left on the License Lookup System is “Public Record Documents.” If the Medical Board has made an Accusation that remains pending against the physician’s license, issued a final Decision, approved a settlement, or issued a suspension or some other order, it will be noted here. If the Superior Court has issued a decision related to a Medical Board action, that document may be noted here as well. You should be able to click on the document to view it. Accusations that have been voluntarily dismissed are removed from the website.

### **The Accusation**

If a Medical Board action is pending or has been taken action against a physician, you will likely see on the Public Record Documents tab an Accusation. (Actions may begin with interim suspension notices or other orders, but at some point, there will likely be an Accusation.) Understanding what an Accusation is and what it contains may be helpful as you assess its potential impact on a physician’s status on the medical staff.

An Accusation is a legal document written in the form of what we call a “complaint” in the civil court system. The Accusation is filed with the Office of Administrative Hearings (“OAH”), whose administrative law judges preside over the evidentiary hearing on behalf of the Medical Board of California. On the first page in the top left corner, the Accusation lists the attorneys representing the Medical Board in the proceeding. The Attorney General of California gets top billing, followed by a Supervising Deputy Attorney General and the Deputy Attorney General, who typically is handling the day-to-day work prosecuting the case. (If you ever need information regarding the status of the Medical Board proceeding, the last attorney listed is the first person to call.)

In the middle of the page is what we call the “style” or “caption” of the case. It typically reads, “In the Matter of the Accusation Against:” followed by the name, address, and license number of the physician at issue. To the right of this information is the Medical Board Case Number and, if available, the OAH Case Number. These are good numbers to have handy if you need to inquire about the matter. The document title appears below the case numbers. The Medical Board may amend the allegations from time to time, resulting in a “First Amended Accusation,” “Second Amended Accusation,” and so on.

An Accusation usually begins by identifying the parties to the action. The “Complainant” is typically the Executive Director of the Medical Board. The Respondent is the physician whose license is at issue.

The next section of the Accusation is generally titled “Jurisdiction.” In this section, the Complainant will recite the statutory provisions governing the action and giving the Medical Board authority to impose discipline under the facts alleged.

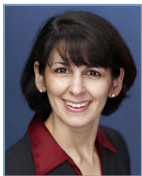
The next sections contain the meat of the Accusation. Here, the Complainant will describe in narrative form the alleged facts that warrant discipline. This could be allegations of drug abuse, grossly negligent patient care, commission of a crime, inappropriate relationships with patients, or any other unprofessional conduct. There may be an introductory fact section, or the Accusation may jump right into setting forth the various “Causes for Discipline.” If the same factual scenario supports multiple causes of discipline, the Accusation may refer to and incorporate the allegations from other Causes of Discipline. Depending on the facts alleged, an Accusation may set forth just one Cause for Discipline or many. There is no limit. After setting forth the Causes for Discipline, the Accusation may include Disciplinary Considerations, which may include instances of prior discipline or other aggravating factors.

The final section of the Accusation is the “Prayer.” The Prayer is the legal term for the relief the complainant requests from the Board. In the Prayer, an Accusation may set forth alternative requested relief. Typically, the Accusation will request the Medical Board issue a decision revoking or suspending the physician’s license; revoking, suspending, or denying approval of the physician’s authority to supervise physician assistants; ordering the physician to pay the costs of probation monitoring, if the physician is placed on probation; and any other action “deemed necessary and proper.” Inclusion of a request to revoke or suspend the physician’s license seems to be standard and does not indicate that revocation or suspension will ultimately occur, even if the facts alleged are found to be true.

When Medical Board actions are final, the website will have a link to a Decision or some other Order. The Decision or Order will often attach the Accusation, so if you don’t see a link directly to the Accusation, you can look at the Order or Decision and will likely find it there.

The Medical Board License Lookup System can provide a wealth of public information about physicians who are on or applying to your medical staff. Knowing what is available and how to decipher the information is the first step in evaluating its potential impact on the physician’s status on the medical staff.

For more info, please contact:



**Lori C. Ferguson**  
 Partner  
 Direct Phone: (916) 551-2813  
 lferguson@hansonbridgett.com

**SAN FRANCISCO**

425 Market Street, 26th floor  
 San Francisco, CA 94105  
 TEL 415-777-3200  
 FAX 415-541-9366

**NORTH BAY**

Wood Island  
 80 E. Sir Francis Drake Blvd., Ste. 3E  
 Larkspur, CA 94939  
 TEL 415-925-8400  
 TEL 707-546-9000  
 FAX 415-925-8409

**SACRAMENTO**

500 Capitol Mall, Ste. 1500  
 Sacramento, CA 95814  
 TEL 916-442-3333  
 FAX 916-442-2348

**SILICON VALLEY**

950 Tower Lane, Ste. 925  
 Foster City, CA 94404  
 TEL 650-349-4440  
 FAX 650-349-4443

**EAST BAY**

1676 N. California Blvd., Ste. 620  
 Walnut Creek, CA 94596  
 TEL 925-746-8460  
 FAX 925-746-8490