

▪ IS THE INVESTIGATION CONFIDENTIAL?

Details of the complaint and investigation remain confidential and are not public record; however, the complaint must be discussed with the physician.

▪ DO I HAVE PROTECTION FROM CIVIL LITIGATION?

From time to time, patients express concern about the potential for a lawsuit resulting from the initiation and/or participation in an investigation. Civil Code Section 47 provides some protection against a lawsuit, and this issue can be further discussed with the assigned investigator. A copy of this section of the law can be obtained from your local library or on the internet at [www.leginfo.legislature.ca.gov](http://www.leginfo.legislature.ca.gov).

WHERE ARE THE FIELD OFFICES?

Cerritos	562-402-4668
Concord	925-822-0186
Fresno	559-447-3050
Glendale	818-551-2117
Rancho Cucamonga	909-476-7146
Sacramento	916-263-2585
San Bernardino	909-383-4755
San Diego	858-467-6830
San Dimas	909-421-5800
San Jose	408-437-3680
Tustin	714-247-2126
Valencia	661-295-3397

# Osteopathic Medical Board of California

Consumer Protection Unit  
1300 National Drive, Suite 150  
Sacramento, CA 95834-1991

**To check on a specific doctor or obtain information about the complaint process, call the Consumer Protection Unit:**

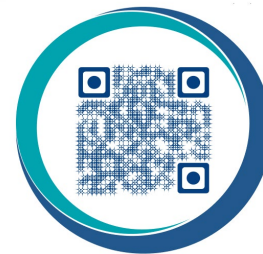
(916) 928-8390 ext. 6

[Osteoenforcement@dca.ca.gov](mailto:Osteoenforcement@dca.ca.gov)

**Or visit the Board's website:**

[www.ombc.ca.gov](http://www.ombc.ca.gov)

The mission of the Osteopathic Medical Board of California is to protect the public by requiring competency, accountability, and integrity in the safe practice of medicine by osteopathic physicians and surgeons.



# QUESTIONS AND ANSWERS ABOUT INVESTIGATIONS



**Consumer Protection Unit**

## Osteopathic Medical Board of California

The state agency that licenses Osteopathic Physicians and Surgeons, investigates complaints, and disciplines those who violate the law

## **Your complaint has been sent for investigation.**

### **WHY IS MY COMPLAINT BEING REFERRED FOR INVESTIGATION?**

Your complaint is being referred for investigation because the Board believes there may be evidence to show that a violation of the law has occurred. If proven, the violation may warrant disciplinary measure.

### **WHAT KINDS OF COMPLAINTS WARRANT A FORMAL INVESTIGATION?**

In general, any complaint that would warrant disciplinary action if substantiated (e.g., sexual misconduct, gross negligence and/or incompetence, etc.) if referred for investigation. Other kinds of complaints may also require a formal investigation. These include physician impairment, unprofessional conduct, and unlicensed practice issues.

### **WHAT HAPPENS WHEN THE FIELD OFFICE RECEIVES MY COMPLAINT?**

Complaints are referred to the Department of Consumer Affairs (DCA), Division of investigation's office field office closest to the area of the state where the incident occurred. The supervising investigator reviews the case and assigns it to an investigator. The investigator determines the proper investigative steps required to thoroughly investigate the complaint.

Complaints alleging negligence that involve patient death or serious bodily injury are given the highest priority. In addition, complaints alleging physician impairment, sexual misconduct or complaints which present immediate concern

about patient harm, i.e., injury or death, are considered "high priority cases" and are given priority handling. Investigators are peace officers and have the authority to pursue criminal and administrative violations of the law.

### **HOW IS THE INVESTIGATION CONDUCTED?**

Investigative steps may include, but are not limited to the following:

- Obtaining medical records or other information/evidence
- Locating and interviewing the complainant, any witnesses, and the physician
- Obtaining expert review of the case
- Drafting and serving investigational subpoenas
- Inspecting the location where the allegations occurred
- Executing search warrants
- Conducting undercover operations

In general, after information is collected and compiled and the complainant has been interviewed, the investigator, and perhaps the supervisor or a medical consultant, interviews the physician to discuss the details of the complaint and ask questions.

Quality of care issues are then reviewed by a medical expert. The standard of proof for administrative cases is "clear and convincing evidence to a reasonable certainty," a much higher standard than for civil litigation cases. This can be very challenging when pursuing a complaint because administrative charges must be proven before an administrative law judge who uses this higher and more difficult standard.

If the investigation does not support a violation of the law, the complaint is closed. Also, if the evidence obtained in the investigation shows a violation occurred, but the violation is insufficient to support administrative action, the case is closed and

maintained on file for future reference. The investigator will notify the complainant and the physician by telephone or in writing of the disposition of the complaint.

If the investigation reveals sufficient evidence of violations of the Medical Practice Act or other laws that would warrant discipline against the license, the case will be referred to the Office of Attorney Generals (AG), Health Quality Enforcement Section, for administrative action.

### **WHAT HAPPENS AT THE COMPLETION OF THE INVESTIGATION?**

When an investigation is complete, the case is reviewed by the supervising investigator who provides a recommendation action to the Board. The Board reviews the investigation and determines whether sufficient evidence exists to support sending the case to the AG's office for disciplinary action. If the matter warrants disciplinary action, the matter is referred to the AG's office. If the violation is not substantiated the case will be closed, and the complainant will be notified.

The AG's office determines if an Accusation or petition to compel competency, psychological, or physical examination should be filed. The AG's office reviews the investigation information and determines what charges may be filed based on a review of the evidence obtained. Since every case is unique, the Board and the AG's office will determine the most reasonable and appropriate action to ensure public protection. This process can be complicated and lengthy. If the AG's office rejects the case, it will be closed.