Patient Bill of Rights

Right to Notice & Participation:

- **Interview complainant/family before the case is dismissed**
  - Board analyst or medical consultant must interview complainant before the case is dismissed at the Central Complaint Unit
  - Board staff must contact complainant following the physician interview to give the complainant the opportunity to provide additional information based on the physician’s information
  - Board staff or the Deputy Attorney General must contact the complainant prior to offering a settlement to the physician or give the complainant the opportunity to provide a victim impact statement at the ALJ hearing

- **All hearings must be public and subject to open meeting laws**
  - All public meetings must be webcast including all panel hearings and committee hearings and make remote participation available including teleconferencing
  - All webcast videos must be made available on the public website within a week of the adjourned meeting

- **Complainant must be informed of all public proceedings including pre-sentencing (settlement deals), appeals, requests for early termination of probation, and petitions for license reinstatement**
  - Create an online complaint tracking system similar to Amazon’s package tracking system allowing complainants to follow where their complaint is in the enforcement process at any time
  - Provide clear notice of all timelines and how complainant will be notified of proceedings

- **Complainant right to be heard at all proceedings**
  - Maintain case in district of filing
  - Complainant right to submit additional information after accusation is published

Transparency:

- **Expand disclosure on the Board’s website to include pending investigations into complaints** when the misconduct resulted in serious harm to a patient or death, or the physician is a repeat offender

- **Clarify that the Board may not choose to withhold information about the enforcement process under the PRA.** Require disclosure by the Board of:
  - Number and nature of all patient complaints against a doctor on public profile, regardless of outcome
  - To the public: the factual record of investigations, just as law enforcement records are public
  - To the complainant: the full record of investigations including interviews, tapes, transcripts, notes and all documents to the complainant

- **Ensure patients are informed when the Board takes disciplinary action**
Disclosure by a disciplined doctor of probationary status to patients before an appointment
Board must maintain as public records all disciplinary actions
Once posted, records of all disciplinary actions must be maintained online
Disclose all malpractice settlements online

Independence:

- **Change the composition of the Board by implementing a public member majority**
- **Eliminate conflicts of interest.** Investigators, DAGs and Board panel and staff involved in the enforcement process may not have any conflict of interest regarding the doctor being investigated

Timeliness:

- **Shorten and expedite oversight and streamline the entire process**
- **Implement vertical enforcement.** Investigators and prosecutors in the same office will work together more efficiently and improve hiring prospects

Proportionate Penalties:

- **Require Board to follow its own disciplinary guidelines**
  - Minor disciplinary tools – such as Public Letters of Reprimand – prohibited for the most serious allegations, such as sexual abuse or gross negligence leading to death
  - Confidential Letter of Advice can only be used for minor allegations with no link to patient care
- **Prioritize complaints against doctors with a history of past complaints**
  - Keep records of complaints, even if closed without action, to identify patterns of abuse
- **Public reporting that disciplined doctor is meeting the requirements of disciplinary action**
- **Permanently revoke the license of doctors who commit the most egregious offenses**, including sexual abuse and multiple acts of negligence resulting in serious patient injuries or death

Oversight:

- **Make Enforcement Monitor independent, with a budget and staff**
- **Prioritize investigations of issues above, including how frequently the Board:**
  - Deviates from disciplinary guidelines, closes a complaint without interviewing the affected patient or family, and does not disclose malpractice judgements/settlements on its website

Mission:

- **The Board must support reforms that further its mission of patient protection, including in areas not under its jurisdiction.**
  - Update the 1975 cap on compensation for lost quality of life, disability or death in malpractice lawsuits to restore patients’ access to court
  - Require doctors to disclose to patients any financial conflicts of interest that arise from payments by drug or device manufacturers