

COMPLAINT PROCESS OVERVIEW

COMPLAINANT

Submits complaint to the Physician Assistant Board of California (PAB) online, or by mail, email, or fax.

PHYSICIAN ASSISTANT BOARD (PAB) CONSUMER PROTECTION SERVICES

Receives written complaint from the consumer. An enforcement analyst reviews the complaint to determine if:

- The complaint is within the PAB's jurisdiction.
- Additional information is needed.
- Medical records or other pertinent materials are needed.
- Consultation with a medical expert consultant is needed.
- Immediate investigation is needed, and if so, transmits complaint to the Division of Investigation (DOI).
- The complaint involves care and treatment provided by the licensee. If so, medical records are obtained and a medical consultant reviews.
- A minor violation of the laws governing the profession has occurred. If so, the licensee is contacted and advised of the violation to bring them into compliance, or the matter is referred for a cite and fine.

If appropriate, the complaint may be mediated at this time or forwarded to another agency with jurisdiction over the subject matter of the complaint; or if there is no apparent jurisdictional violation, the case may be closed.

DIVISION OF INVESTIGATION (DOI)

The case is referred to DOI and the complaint is investigated to substantiate the allegations. After PAB receives and reviews DOI's investigation report, the case may be:

- Closed, but retained as required by law if the allegations could not be substantiated.
- Closed, but retained as required by law if the complaint is found to have some merit, but there is insufficient evidence available to take action.
- Referred to the Attorney General's Office for disciplinary action.
- Prepared for the issuance of a citation.
- Referred to a local district attorney or other law enforcement agency.

ATTORNEY GENERAL'S (AG's) OFFICE

On behalf of PAB, the AG drafts an accusation (charging document), and an administrative hearing is scheduled. The AG represents the PAB at the hearing. If a stipulated agreement between PAB and the licensee is reached prior to the hearing being held, no hearing is necessary. The AG may also file a petition on behalf of the PAB to compel the licensee to undergo a psychiatric, medical, or competence exam, or to seek an interim suspension order against the licensee.

PAB FINAL DECISION PROCESSING

Once a final decision has been reached, the complainant is notified in writing of the outcome of their complaint. If PAB issues a citation or takes disciplinary action, those documents are public and can be found via the DCA License Search page at <https://search.dca.ca.gov/>. DCA License Search can also be found by navigating through breeze.ca.gov.

ADMINISTRATIVE LAW JUDGE (ALJ)

A case is heard by an ALJ, who prepares a proposed decision for PAB board member review. The PAB board members may issue a decision:

- Adopting the proposed decision as written.
- Increasing the penalty, after a review of case exhibits, the hearing transcript, and additional arguments submitted by both parties.
- Reducing the penalty.

The licensee can appeal the PAB board members' decision.

PAB PROBATION MONITORING

When probation has been imposed on a licensee as part of a disciplinary action, the PAB probation monitor provides compliance monitoring.

CRIMINAL PROSECUTION

The complaint may be referred to a local district attorney or other law enforcement agency for consideration for criminal prosecution.

