

Patient Bill of Rights

Right to Notice & Participation:

- **Interview complainant in initial review phase of case.**
 - Board analyst and/or medical consultant at Central Complaint Unit must speak to complainant before decision is made whether case should go to a DCA investigator.
- **All hearings must be public and subject to open meeting laws.**
- **Complainant must be informed of all public proceedings**, including pre-sentencing (settlement deals) and post-sentencing (requests for reinstatement of license).
 - Status of case maintained online.
 - 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:

- **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 any 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 over \$30,000 online.
- Require Board meetings be webcast and make remote participation available.

Independence:

- **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.
- **Balance enforcement decisions with a public majority on the Board.**

Timeliness

- **Shorten and expedite oversight and streamline the entire process.**
- **Move investigators to DOJ to eliminate inefficiencies in vertical enforcement effective and improve hiring prospects.**

Proportionate Penalties:

- **Board required to follow its own enforcement mandates.**
 - 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.
- **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, for example, taking mandated classes.**

Oversight

- **State Auditor audit of Board's enforcement activities** to quantify failures in complaint investigation process and identify other potential areas of concern.