Complaint/Information Source

Complaint Received From:
- General Public
- Mandatory Reporting (e.g., malpractice insurance carriers, peer review committees, and courts)
- Governmental Agencies
- DOJ/Law Enforcement Agencies
- Licensees/Professional Groups
- Anonymous

Complaint Desk Investigation

Complaint is assigned to Enforcement Analyst/Special Investigator to determine:
- If immediate investigation is needed. If yes, refer complaint to Division of Investigation.
- Whether the complaint is within the Board’s jurisdiction. If not, refer to the appropriate agency.
- If more information is needed, the analyst requests this from the complainant.
- Whether the complaint involves services provided by the licensee. If so, patient records and a response are obtained and if necessary, reviewed by an expert.
- Whether a minor violation of the laws and regulations has occurred. If so, the licensee is contacted and advised of the violation to achieve compliance, or the matter is referred for a citation and fine.
- Whether a serious violation (extreme departure) of the laws and regulations has occurred. If so, the complaint is referred for formal discipline.

Investigation

Upon completion of the investigation, the case may be:
- Closed-No violation
- Closed-Insufficient evidence
- Closed-Compliance obtained
- Referred for citation and fine
- Referred to the Attorney General’s office for consideration of formal discipline
- Referred for criminal action.

Citation & Fine

Minor violations of the laws and regulations may result in administrative citation and fine rather than formal disciplinary action.
Minor violations include:
- Failure to provide client records
- Providing services with an expired license
- Misleading advertisement
- Breach of confidentiality
- Unlicensed practice
- Failure to comply with continuing education requirements

Attorney General

If the assigned Deputy Attorney General determines the case meets the legal standard of clear and convincing evidence, the Deputy drafts formal charges (Accusation), and a hearing is scheduled. Prior to a hearing, a stipulated settlement may be accepted by both sides. If this occurs, a hearing is not needed.

Board Vote

The stipulated settlement is reviewed by the Board, who have the option to:
- Adopt the stipulated settlement;
- Reduce or increase the penalty.
In this instance, if the requested changes are not accepted by the parties, the case will proceed to a hearing.

Criminal Prosecution

A completed investigation may be referred to a local district or city attorney for prosecution of suspected criminal violations.

Administrative Hearing

If the licensee contests the charges, the case is heard by an Administrative Law Judge (ALJ), who then drafts a proposed decision.

Board Vote

The proposed decision is reviewed by the Board, who have the option to:
- Adopt the decision as proposed;
- Reduce the penalty and adopt the decision; or,
- Increase the penalty and adopt a decision.

Appeal

The respondent may petition for reconsideration of a decision within 30 days after it is adopted. Final decisions may be appealed to the Superior Court, the District Court of Appeal, and to the California Supreme Court.