Reference Committee E
QUALITY, ETHICS AND LEGAL ISSUES

Resolution 501-08
DISCLOSURE OF INFORMATION ORIGINATING FROM B&P SECTION 805 REPORTS

RESOLVED: That CMA support the development of mechanisms and support legislation to add or amend state laws that regulate the circulation of information by the Medical Board of California (MBC):

    (1) to preclude circulation and posting of any 805 Report of a summary suspension until confirmation by an MBC's independent investigation that such an 805 Report is supported by at least substantial evidence of risk to patients warranting a summary suspension, irrespective of any determination by the governing board of the responsible health care entity; and

    (2) to require removal of any such 805 Report in the event any court reverses any adverse disciplinary action by any health care entity, or to require removal of any such 805 Report in the event MBC's independent investigation exonerates the physician from the alleged charges; and

    (3) to require MBC to afford to any physician subject to any 805 Report, including an 805 Report due to a summary suspension or any other disciplinary action, the right to contest and respond to the charges in a writing of reasonable length, and to have that response posted in the same place in the records and postings of the MBC as the 805 Report or other disciplinary action contested; and be it further

RESOLVED: That CMA support federal legislation to amend the Health Care Quality Improvement Act and any other applicable federal law to contain due process protections similar to those described for 805 reports; and be it further

RESOLVED: That this matter be referred for national action.

Action: Adopted as amended

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Resolution 502-08
PATIENT CONFIDENTIALITY IN BIOBANKS

RESOLVED: That CMA work to include information to research subjects in informed consent forms as to whether their biologic material might be pooled in a biobank, and if so, whether the FBI would have access to that biobank data without a warrant; and be it further