

**BOARD OF PODIATRIC MEDICINE
INITIAL STATEMENT OF REASONS**

Hearing Date: February 18, 2010

Subject Matter of Proposed Regulations: Notice to Consumers by Doctors of Podiatric Medicine

Section Affected: Title 16, Article 13, Section 1399.730

Specific Purpose of each adoption, amendment, or repeal:

To make consumers aware that doctors of podiatric medicine are licensed by the Medical Board of California (Board) and provide information on how to contact the Board should patients need assistance. The Board of Podiatric Medicine's web site provides license verification information pertaining to Doctors of Podiatric Medicine, and as a result, will be published within the notice.

Specifically, this proposed regulation will require doctors of podiatric medicine to notify their patients that they are licensed and regulated by the Medical Board of California. Doctors may provide the notice in one of the specifically enumerated options: prominently posting a sign; including it in a written notice to be signed by the patient and kept in his/her medical record; or including it just above the signature line on a document given to and signed by the patient.

This proposed regulation will require Board contact information to be provided to the patient prior to, during, or after the provision of medical care. By law, public protection is the highest priority of the Board, and is enhanced when patients and other interested parties are made aware of the Board's existence at a time close to when medical services are provided.

Factual Basis/Rationale

Factual basis for determination that each proposed change is necessary:

As specified above, public protection is the highest priority of the Board. This proposal is consistent with that objective, as an informed consumer is in a better position to make informed decisions for him/herself, and also to assist the Board in regulating doctors via our complaint process, should a problem arise. It has long been suggested by public policy advocates, concerned citizens, and other interested parties that too few Californians are aware of the existence and role of the Board or the public services it offers (e.g., the information available about doctors, medical services, laws and regulations, or the complaint process). The Board's investigators have in the past, discovered during their investigations, civil malpractice lawsuits filed by patients who were unaware of the Board's existence. If the public does not know whom to contact when an issue with a doctor arises or where to seek information about a doctor, the Board's effectiveness is hampered and its public protection mission is compromised. With the adoption of this proposal, patients will be provided with a tangible document with the Board's information or will have the opportunity to view a sign containing this information.

This proposed regulation also comports with the provisions of section 138 of the Business and Professions Code, which requires constituent boards within the Department of Consumer Affairs to promulgate regulations regarding notice that a practitioner is licensed by the state. The Board of Podiatric Medicine and the Medical Board of California are constituents of the Department.

Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any): none

Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

Although many businesses will be required to comply, the economic impact will be minor. Doctors of podiatric medicine would only be required to prominently post a sign, which will be available on the Board of Podiatric Medicine's web site, or include the brief, written notice in a written statement to be signed by the patient or his/her representative and retained in his/her file; or include the notice on another document given to each patient. The proposed regulation permits the doctor to choose how he or she will comply with the notice requirements.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

The Board of Podiatric Medicine and the Medical Board of California have employed a variety of methods to try to inform the public of their existence and how to contact them, including (but not limited to) news releases, outreach at consumer and health fairs, newsletters to licensees and others, comprehensive Web sites, and written materials (e.g., pamphlets).

Compliance with Business and Professions Code section 138 would be much more effective than all of these activities combined. While the Board endeavors to inform the public of its roles and functions via various mass marketing methodologies, the proposed regulation would enhance awareness within the point-of-service area. This is a more effective means of educating patients.