

A Quick Guide to the MQA Disciplinary Process

Probable Cause Panels

The division of Medical Quality Assurance's (MQA) Bureau of Enforcement fields and investigates complaints against health care practitioners and facilities/establishments regulated by the Florida Department of Health.



The path of a complaint:

- Consumer Services Unit (CSU): Where the complaint process begins.
- Investigative Services Unit (ISU). Legally sufficient complaints are forwarded here.
- Prosecution Services Unit (PSU). Conducts legal review of ISU-generated investigative reports.
- Probable Cause Panel. Determines what becomes of the case.

Cases are ultimately decided by a Probable Cause Panel (PCP). It is not bound to go along with the recommendation PSU attorneys give upon legal review. *456.073(2) & 456.073(4), Florida Statutes

A Probable Cause Panel...

- reviews all evidence and information gathered during the investigation.
- is made up of 2 or 3 board members – usually 1 or 2 licensed health care professionals and a consumer member. (*A consumer member represents the public interest. He or she does not necessarily have specialized medical knowledge/training and does not practice medicine.)
- can feature different members from meeting to meeting.

The PCP will issue one of the following recommendations: (1) Escalation to the Formal Administrative Complaint phase. (2) Closure, with a letter of guidance (3) Dismissal.

FAST FACTS

Florida Statutes outline the parameters by which probable cause panels operate, especially its strict disclosure policy. (Example: The only time a case will be made public is if an administrative complaint is approved by the PCP – 10 days after such a finding.) *456.073(10)

1 True or False?: The person(s) whose complaint initiated an investigation of a health care professional is given unlimited access to the PCP and its conducting of official business.

Answer: False. Even the complainant in the case is not privy to what happens at PCP meetings. Furthermore, he or she cannot sit in on PCP discussions, receive transcripts of the proceedings or obtain copies of the case evidence presented. *456.073(9)(a),(b), and (c)

2 True or False?: The licensee whom the complaint was filed against has the overriding expectation of confidentiality.

Answer: True. If a case is closed without an administrative complaint being issued – either with a letter of guidance or a regular dismissal – no one gets to know anything about it, including who was on the PCP or what the alleged violation was. That is, unless, the licensee waives his/her right, in writing, to keep everything confidential. *456.073(10)