

# My Doctor Made a Mistake

*Medical Malpractice Law*



## **Dear ALRP:**

I am HIV+ and I think my doctor has made mistakes in the care she is giving me. Is there anything I can do?

- *Concerned in SF*

## **Dear Concerned,**

There are a few options you can consider. If you are concerned about the care you are currently receiving, then you should consider changing doctors or getting a second opinion. If you are concerned about past care, then you should contact the Medical Board of California ([www.mbc.ca.gov](http://www.mbc.ca.gov)). The Medical Board of California is responsible for ensuring that doctors are practicing medicine “within the standard of practice in the medical community.” They will investigate complaints and may take administrative action against the physician’s license to practice medicine (suspension, revocation, requiring probation, or monitoring).

## **Filing a Complaint with the Medical Board**

If you decide to file a complaint with the Medical Board, you will need to follow a particular procedure. If the complaint is related to the medical care you received, you will need to sign a release so the Medical Board’s analyst can get your medical records from the doctor and any subsequent doctors you may have seen. You may file a complaint anonymously, but these complaints are difficult to investigate. The Board cannot really address complaints without focusing on the care given to a specific patient. The Board can discuss the complaints with the physician without disclosing the individual’s name, but, in most cases, the medical records would be required and then the patient’s name would have to be disclosed to the doctor. There is no specific time frame in which complaints are handled. Some complaints, depending on their complexity, take longer than other complaints. It could take several months to review everything.

If you feel that your doctor is making correct medical decisions but is providing services in a way that is insensitive or inappropriate, you can raise such quality of care issues directly with the provider or facility. In addition to filing a complaint with the medical board, you can file a complaint with the provider or facility directly. Doing so may help resolve the issue without jeopardizing continued services.

Keep in mind that the Medical Board will not help you pursue civil claims against doctors. For malpractice claims you should contact an attorney. ALRP can help refer you to an attorney who has expertise in medical malpractice cases.

**This Legal Q&A Guide was last revised in July 2011.** It is intended to provide general legal information to people living with HIV/AIDS in California. However, because laws change frequently ALRP cannot ensure the complete accuracy of the information included. Please call ALRP at (415) 701-1100 to consult with an ALRP attorney about your legal rights in your particular situation.