



RECOMMENDATIONS TO SUNSET COMMISSION FOR LEGISLATIVE ACTION:

1. Expand Administrative Law Judges' jurisdiction to include the ability for SOAH to consider constitutionality of medical board rules and actions to insure procedural due process for physicians.
2. Revert to pre-1992 protocols that allow for Trial de Novo. Given the medical board's power to serve as complainant, investigator, prosecutor, jury and judge, the medical board staff have "absolute immunity" privilege since they function in quasi-judicial and quasi-prosecutorial roles. With "absolute immunity", physician have no recourse in the event that the staff has failed to follow board rules or law.
3. Provide for a confidential process for the public and physicians to file complaints against the medical board similar to the current process the medical board uses for complaints filed against physicians. The process should contain provisions to prevent the medical board from taking retaliatory action against the complainant, unless it can be proven that the complaint was made in bad faith. The information on how and who to file a complaint with should be listed on the medical board website. The contents of the complaint are to have equal protection as that which is afforded to physicians when they are subject to a complaint.