

**The Medical Board is Conducting an Investigation.
What Should You Do?**

By Elizabeth P. McCullough



You have just received notice from the North Carolina Medical Board that you are the subject of an investigation. It's time to take action. Here are 5 steps you might take in order to prepare for what lies ahead:

Call your insurance carrier to determine if you have coverage for Medical Board investigations.

Call an attorney who regularly defends health care providers in Medical Board investigations to assist you in responding to the investigation.

Review your medical chart regarding the care at issue (but do not violate HIPAA by reviewing medical records other than your own).

If the investigation requires a written response, put the deadline to respond on your calendar and draft a response to assist your attorney. Provide your response to your attorney who will tailor it to more specifically address the issues on which the Medical Board will focus.

If the investigation includes an interview with the Medical Board, prepare for the interview with your attorney. If a Board investigator appears in person to interview you without prior notice, request to be represented by an attorney.

YOUR RESPONSE

Items to Include:

- ✓ Summary of your training and experience, including any honors or awards you have received and any medical leadership positions that you have held.
- ✓ Resume/curriculum vitae
- ✓ Summary of the patient's care at issue that explains your medical decision-making process. Attach medical records as exhibits if it will assist the Board to understand the care provided.
- ✓ Statement that you complied with the applicable standard of care and the Medical Practice Act.
- ✓ If Medical Board position statements are applicable, your response should directly address these position statements.
- ✓ If you plan to change your actions in the future, your response should state the same.



Elizabeth P. McCullough

Elizabeth is a litigation attorney and leader of Young Moore's Health Care Industry Group. She advises and defends health care providers in matters involving patient care issues. She has successfully handled numerous medical malpractice cases, many of which involved catastrophic injury or death. Elizabeth has represented clients before the North Carolina Medical Board, the Board of Nursing, and the Board of Social Work Certification and Licensure. Additionally, Elizabeth educates clients and represents them in matters pertaining to HIPAA, HITECH and other security issues. Contact Elizabeth directly at epm@youngmoorelaw.com or 919-861-5071.