

# 19 Biggest Mistakes Physicians Make After Being Notified of a Department of Health Investigation



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**These are the 19 biggest mistakes we see in the physician cases we are called upon to defend after a Department of Health investigation of them is commenced**


## **19 Biggest Mistakes Physicians Make After Being Notified of a Department of Health Investigation**

1. Contacting the Department of Health (DOH) investigator and providing him/her an oral statement or oral interview.




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2. Making a written statement in response to the "invitation" extended by the DOH investigator to do so.




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3. Providing a copy of their curriculum vitae (CV) or resume to the investigator because the investigator requested them to do so.




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4. Believing that if they "just explain it" the investigation will be closed and the case dropped



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5. Failing to submit a timely objection to a DOH subpoena when there are valid grounds to do so.






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6. Failing to forward a complete copy of the patient medical record when subpoenaed by the DOH investigator as part of the investigation, when no objection is going to be filed.




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7. Delegating the task of providing a complete copy of the patient medical record to office staff, resulting in an incomplete or partial copy being provided.




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8. Failing to keep an exact copy of any document, letter or statement provided to the investigator.




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9. Believing that the investigator has knowledge or experience in the health care matters being investigated.




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10. Believing that the investigator is merely attempting to ascertain the truth of the matter and this will result in the matter being dismissed.




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11. Failing to check to see if their medical malpractice insurance carrier will pay the legal fees to defend them in this investigation.




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12. Believing that because they haven't heard anything for eight months the matter has "gone away."



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13. Believing that the case is indefensible so there is no reason to even try to advocate for getting it dismissed.






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14. Failing to submit a written request to the investigator at the beginning of the investigation for a copy of the complete investigation report and file and then following up with additional requests until it is received.



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15. Failing to exercise the right of submitting documents, statements, and expert opinions to rebut the findings made in the investigation report before the case is submitted to the Probable Cause Panel of the Board of Medicine for a decision.



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16. Taking legal advice from their colleagues regarding what they should do in defending themselves in the investigation.




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17. Attempting to defend themselves without the assistance of an attorney.



## **19 Biggest Mistakes Physicians Make After Being Notified of a Department of Health Investigation**

18. Believing that because they know someone on the Board of Medicine, with the Department of Health or a state legislator, that influence can be exerted to have the case dismissed.



## **19 Biggest Mistakes Physicians Make After Being Notified of a Department of Health Investigation**

19. Failing to immediately retain the services of a health care attorney who is experienced in such matters to represent them and to communicate with the DOH investigator for them.

