

Confidentiality of Complaints or Reports of Possible Violations Made in Good Faith

SMB	Confidentiality assured to those reporting violations in good faith	Disclosure of identity required before filing a complaint or report	Complainant's identity shared with the practitioner whose conduct is in question	Complaints are made public	Complaints are shared with other boards
AL	Yes	Yes	Yes	No	Yes
AK	Yes	Yes	No	No	No
AR	No	No	Yes	Yes	No
AZ-M	Yes	Yes	Yes	No	Yes
AZ-O	Yes	No	Yes	No	No
CA-M	Yes	No	No	No	Yes
CA-O	Yes	No	No	No	Yes
CO	Yes	No	Yes	No	No
CT	No	No	Yes	No	No
DE	Yes	Yes	Yes	No	No
DC	No	No	Yes	No	No
FL-M	Yes	No	No	No	No
FL-O	Yes	No	No	No	No
GA	Yes	No	No	No	Yes
GU	Yes	Yes	Yes	Yes	No
HI	No	No	No		Yes
ID	Yes	Yes	Yes	No	Yes
IL	Yes	No	No	No	Yes
IN	Yes	No	No	No	No
IA	Yes	No	Yes	No	Yes
KS	No	No	Yes	No	No
KY	No	Yes	Yes	Yes	Yes
LA	Yes	Yes	Yes	No	Yes
ME-M	No	Yes	Yes	Yes	Yes
ME-O	No	Yes	Yes	No	Yes
MD	Yes	No	Yes	No	No
MA	Yes	No	Yes	No	Yes
MI-M	Yes	Yes	No	No	Yes
MI-O	Yes	Yes	No		Yes
MN	Yes	No	No	No	Yes
MS	Yes	No	No	No	Yes
MO	No	No	Yes	No	No
MT	No	Yes	Yes	No	No
MP					
NE	Yes	No	No	No	Yes
NV-M	Yes	No	No	No	Yes
NV-O	Yes	No	No	No	Yes
NH	No	Yes	Yes	No	No
NJ	Yes		Yes	No	No
NM	Yes	No	Yes	No	No
NY	Yes (PMC)	No	No	No	No
NC	Yes	No	No	No	Yes
ND		No		No	
OH	Yes	No	No	No	Yes
OK-M	Yes	No	No	No	Yes
OK-O	No	No	No	No	No
OR	Yes	No	No	No	Yes
PA-M	No	No	No	No	No
PA-O	No	No	No	No	No
PR	Yes	Yes	No	Yes	Yes
RI	Yes	No	Yes	No	No
SC	Yes	No	Yes	Yes	Yes
SD	No	No		No	No
TN-M	Yes	No	No	No	No
TN-O	Yes	No	No	No	
TX	Yes	Yes	No	No	Yes
UT	Yes	No	No	No	No
VT-M	No	No	No	No	Yes
VT-O	Yes	Yes	No	No	No
VI	Yes	No	Yes	No	Yes
VA	No	No		No	No
WA-M	Yes	No	No	Yes	Yes
WA-O	Yes	No	No	No	Yes
WV-M	No	Yes	Yes	No	No
WV-O	Yes	No	Yes	No	No
WI	No	No	Yes	Yes	Yes
WY	Yes	Yes	Yes	No	Yes

Confidentiality of Complaints or Reports of Possible Violations Made in Good Faith

SMB	Are there other requirements or policies your board has regarding the sharing or confidentiality of complaints? (Specify)
AL	Complaints are shared with other Boards and entities to the extent allowed by law and pursuant to the Administrative Rules of the Board.
AK	
AR	
AZ-M	Complainant may request confidentiality but must identify self when making the request. Anonymous complaints are not investigated.
AZ-O	
CA-M	The Board's investigations are confidential
CA-O	No
CO	Investigations, examinations, hearings, meetings, or any other proceedings of the board conducted pursuant to 12-240-125(9)(a) shall be exempt from any law requiring that proceedings of the board be conducted publicly or that the minutes or records of the board with respect to action of the board taken pursuant to this section be open to public inspection. The Board will not release investigatory information regarding dismissed complaints to managed care entities, hospitals, or professional review committees. Board staff will consult with the Office of Attorney General to prevent the release of information that the Board is prohibited from redisclosing or that is otherwise confidential by law, such as peer review information, documents subject to the attorney/client or physician/patient privilege and letters of concern. Board staff will immediately notify training programs of complaints involving an intern, resident, or fellow who holds either a license to practice medicine, a training license, or who has applied for a training or medical license, and is enrolled in or accepted into a training program. Upon receipt of a complaint or initiation of a complaint by the Board, staff must notify the training program administrators and the licensed physicians responsible for the supervision of an intern, resident or fellow in the training program. It shall be the responsibility of the training program to request further documentation of the nature of any complaint, if that information is desired. Upon request from the training program, staff may transmit information from the investigatory and/or hearing file which is normally considered to be confidential. Staff may consult with the Panel Chair or Board President as necessary prior to release of information. It is the policy of the Board that upon written request from an applicant for a copy of their application file, the entire file shall be provided with the exception of the following: 1. Letters of reference including, but not limited to, letters from residency programs indicating whether the applicant had satisfactorily completed the program; and 2. Information that the Board is prohibited from redisclosing or that is otherwise confidential by law, such as peer review information, documents subject to the attorney/client or physician/patient privilege, or letters of concern. It is the policy of the Board that upon written request from a party, other than the applicant, for a copy of a licensee's application file, the entire application will be provided with the exception of the following: 1. Letters of reference including, but not limited to, letters from residency programs indicating whether the applicant had satisfactorily completed the program; 2. Transcripts; 3. Examination scores; 4. Medical or psychological records concerning the applicant; and, 5. Information that the Board is prohibited from redisclosing or that is otherwise confidential by law, such as peer review information, documents subject to the attorney/client or physician/patient privilege, or letters of concern.
CT	All complaints are confidential unless formal charges are filed.
DE	The Executive Director may maintain the confidentiality of the complaining party or the respondent from the Board. In the absence of an Executive Director or acting Executive Director, the Secretary of State may exercise that discretion.
DC	
FL-M	Complaints are kept confidential until they go before the probable cause panel. The complaint remains confidential until after probable cause is found to move forward with the complaint. If no probable cause is found, the complaint remains confidential.
FL-O	Complaints are confidential until 10 days after a probable cause panel has filed an administrative complaint.
GA	The Board makes every effort not to share the identity of a complainant, but if the case goes to a hearing it will be disclosed. If we share with other boards we ask that they not share what we sent.
GU	
HI	The recipient of any information regarding a complaint/investigation are held to the same limitations on disclosure as the originating agency.
ID	All Board complaints and related investigations are statutorily confidential; only final, public orders are non-confidential.
IL	Complaints may be released to law enforcement after receipt of a criminal subpoena
IN	
IA	The Board must share a complaint with law enforcement if there is evidence of a crime.
KS	We may share information with law enforcement or other state agencies with same jurisdictional authority
KY	
LA	
ME-M	Yes - there are 2 laws that apply to the disclosure of confidential complaint and investigative information: 24 M.R.S. Section 2510 and 10 M.R.S. Section 8003-B. In short, the Board is authorized to share confidential complaint and investigative information with other federal and state agencies - as well as with any hospitals or other entities that grant or deny privileges. While certain complaints become public following the closure or dismissal, the Board redacts all patient-identifying information and does not provide any medical records in response to a FOIA request.
ME-O	
MD	All Board records are confidential pursuant to the statute. A licensee is provided with a copy of the complete investigative file only after the disciplinary charges are issued.
MA	Complaints are shared by other Boards to the extent allowed by statute. Complaints are made public when a Statement of Allegations is issued.
MI-M	
MI-O	
MN	Authorized to share complaint and investigative data with other state agencies, other state medical boards and law enforcement.
MS	Although there are no requirements, we do share information with law enforcement, pharmacists and other regulatory boards as needed.
MO	Before we share any investigative information to another agency or law enforcement, the board has to have seen and or made a decision on the case.
MT	
MP	
NE	38-1,106.Reports, complaints, and records not public records; limitations on use; prohibited disclosure; penalty; application material; how treated; confidentiality. https://www.nebraskalegislature.gov/laws/statutes.php?statute=38-1,106
NV-M	Authorized to share confidential investigative information with other regulatory bodies and law enforcement.
NV-O	If the licensee is the subject of the complaint provides written approval for the complaint to be public, then the complaint and related documentation may be public, otherwise it is not, unless there is proposed disciplinary action that needs to be approved by the Board.
NH	
NJ	It only because public and/or available if there is public action on the license taken.
NM	all information submitted pursuant to a good faith complaint is confidential under law except to the extent necessary to submit at adjudication
NY	Complaints are never shared, held confidential pursuant to statute. Investigative materials may be shared with law enforcement and other agencies and boards who oversee healthcare regulation pursuant to subpoena only.
NC	The North Carolina Medical Board shares with law enforcement upon request.
ND	Yes - state statute 43-17.1-08: Communication to investigative panel privileged. Communications to the investigative panels and their agents are privileged, and no member of the investigative panels nor any of their agents may be compelled to testify with respect thereto in any proceedings except in formal proceedings conducted before the board. All records of the investigative panels, except their financial records, are confidential. Notwithstanding the provisions of this section, if an investigative panel determines that the records of the investigative panel disclose a possible violation of state or federal criminal law, the investigative panel may provide the records to the appropriate law enforcement agency.
OH	Prosecutors are required to report certain convictions of licensees to the Board. Probate courts who determine a licensee is mentally ill or mentally incompetent shall notify the Board
OK-M	
OK-O	The Board will only disclose the complaint form itself if required by law--i.e., criminal subpoena or court order. The complaint form itself is never used as evidence or an exhibit in any of our hearings.
OR	Before sharing complaints or investigations with agencies outside of our state, we ensure that the receiving state's confidentiality laws are substantially similar.
PA-M	Confidentiality is waived for law enforcement if a written request is submitted affirming that it is needed for a criminal investigation
PA-O	Confidentiality is waived for law enforcement if a written request is submitted affirming that it is needed for a criminal investigation
PR	
RI	
SC	
SD	36-4-31.5. Evidence in cancellation, revocation, suspension, or limitation proceedings confidential. Testimony of a witness or documentary evidence of any kind on cancellation, revocation, suspension, or limitation proceedings are not subject to discovery or disclosure under chapter 15-6 or any other provision of law, and are not admissible as evidence in any action of any kind in any court or arbitration forum, except as hereinafter provided. No person in attendance at any hearing of the Board of Examiners considering cancellation, revocation, suspension, or limitation of a license, resident license, or certificate issued by it may be required to testify as to what transpired at such meeting. The prohibition relating to discovery of evidence does not apply to deny a physician access to or use of information upon which a decision regarding the physician's staff privileges was based. The prohibition relating to discovery of evidence does not apply to any person or the person's counsel in the defense of an action against the person's access to the materials covered under this section.
TN-M	All complaints are handled by the Office of Investigations
TN-O	All Complaints are handled by the Office of Investigations
TX	The board requires that complainants disclose their identity when filing a complaint/report but only disclosed to board staff.
UT	
VT-M	There is discretion to share information about disciplinary complaints with other state and federal law enforcement and regulatory agencies. 26 VSA Sec. 1318(g). The Board has discretion to share investigative and adjudicatory files with other state, territorial, and international medical boards at any time during the investigational or adjudicative process. 26 VSA Sec. 1318(h).
VT-O	Complaints are confidential unless and until charges are filed
VI	If warranted by the nature of the complaint
VA	Virginia's confidentiality statute allows sharing of disciplinary information with other state boards.
WA-M	We have a whistleblower waiver the complainant must sign before we can disclose their identity.
WA-O	Complaints are subject to Washington public disclosure laws and can be obtained through a formal public disclosure request. Complainants can make anonymous complaints so their name is not in any file.
WV-M	
WV-O	
WI	
WY	