



**MEDICAL BOARD OF CALIFORNIA**  
Central Complaint Unit



July 14, 2014

Tiffany Anderson  
2 North Avena Avenue  
Los Altos, CA 95240

Re: Jon Lowell Eck, M.D.

Dear Ms. Anderson:

This is to inform you that the Medical Board of California has concluded its review of the complaint you filed against Dr. Eck.

As a licensing agency, the Board has the authority to ensure that its licensees abide by the provisions of the Medical Practice Act within the California Business and Professions Code. When evaluating complaints which allege that the quality of care provided by a physician was inadequate, the Medical Board must be able to substantiate that the physician's conduct departed from "the standard of practice of medicine" in order to establish a violation of the Medical Practice Act for negligence. Your complaint against Dr. Eck and the related medical records were reviewed by the Board's medical consultant to determine whether a departure from the standard of care and treatment could be identified.

In your complaint you indicated that the Dr. Eck performed an improper evaluation and treatment of your knee injury, followed by a re-examination which was painful. You further indicated that Dr. Eck violated HIPPA law by discussing your case with your manager.

According to our medical consultant, the medical records indicate that Dr. Eck performed a complete lower extremity exam of your right extremity due to your concern about the injury. While you stated that you had a laceration from your knee to your ankle, there was only a nearly-healed 2 cm abrasion documented, which is consistent with the injury on June 29, 2011 and the first visit for the injury on July 6, 2011. While you stated that you required 3 rounds of antibiotics over five months, there are no records which support this information or suggest that your knee injury could have been involved. This information was found to be supported by Dr. Murata's July 26, 2011 exam as well as his letter to the Medical Board referencing the infectious disease specialist. Dr. Eck's exam of July 18, 2011 indicated variable tenderness to palpation, full ROM, and normal gait; this exam again is not consistent with your allegation of severe pain and, again, not supported by the orthopedist's exam on July 26, 2011.

Because you signed a one year release of your medical information at your July 6, 2011 visit, there was no HIPPA violation found when Dr. Eck communicated with your employer as noted at the July 18, 2011 visit.

As was previously stated, the Board must be able to confirm that the physician's conduct deviated (or departed) from the standard of medical practice in order to establish a violation of the Medical Practice Act. Treatment which is determined to be negligent can fall into two categories: 1) gross negligence defined as an extreme departure from the standard of practice and; 2) simple negligence which is defined as a departure from the standard of practice.

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Generally speaking, a departure from the standard of practice is conduct which falls below that which a reasonable physician in that specialty would practice under the circumstances. An extreme departure from the standard of practice of medicine is conduct which is evidenced by a lack of the bare minimum of appropriate medical care to a patient.

The other violation we look for in a quality of care complaint is incompetence, which is defined as a lack of knowledge or ability to carry out medical obligations. This is evidenced by treatment which indicates that the physician either lacked training in the particular area or was unable to understand the standard of practice and perform according to its mandates.

While the information we have provided may seem "technical" in nature, I wanted to define the terms and explain the "evidence" that we must have in order to pursue administrative action on a complaint which alleges that the quality of care was negligent and/or incompetent. We cannot accuse a physician of negligence or incompetence without the "clear and convincing evidence" that a violation of the Medical Practice Act occurred.

As the consultant found that the care rendered in this case did not depart from the standard of care, no further action can be taken by the Board. Therefore, no further review will be conducted and the complaint is closed. However, your file will be maintained with the Medical Board for a period of one year.

Thank you for your cooperation and for contacting the Medical Board of California.

Sincerely,

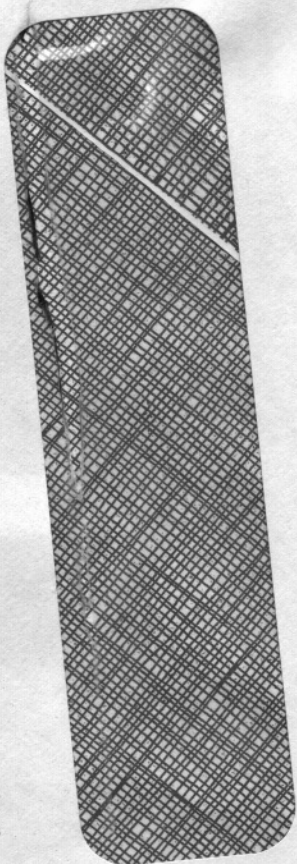


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