

David M. Balfour

Partner | San Diego

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David Balfour has nearly two decades of experience representing clients in the healthcare sector on a wide range of issues including medical staff peer review proceedings, licensing proceedings, writ proceedings, State and Federal Court civil litigation, and related appellate proceedings. He represents hospitals, health systems, health plans, medical staffs, medical groups, and individual healthcare providers regarding litigation risks and best practices to avoid litigation exposure.

Additionally, David has represented numerous healthcare and ancillary care professionals before the various licensing boards of the State of California, including the Medical Board of California, the Board of Psychology, the Board of Behavioral Sciences, the Dental Board, the Board of Registered Nursing, the Pharmacy Board, and others. He has also represented physicians in connection with delisting proceedings by health insurers.

David has been included as an author in the 2019 Update for the CEB California Administrative Mandamus text on the topic of Procedures Unique to Special Writ Proceedings as it relates to Actions Involving the Medical Board of California.

EXPERIENCE

- Represented Medical Staff of medical center in interactions with senior physician with competency concerns leading to the physician's graceful retirement from practice.
- Defended hospital in litigation brought by physician whose medical staff privileges were terminated due to failure to comply with board certification requirements, resulting in physician's dismissal of lawsuit after filing of anti-SLAPP motion.
- Represented chiropractor, owner of more than 30 chiropractic clinics, in prosecution by the Chiropractic Board for violation of corporate practice of chiropractic medicine allegations. Hearing before administrative law judge resulted in complete dismissal of all charges, and administrative law judge's decision adopted as the order of the board.
- Defended physician in investigation and subsequent accusation by Medical Board of California following his arrest and conviction for DUI with aggravating circumstances, resulting in a complete dismissal of accusation following administrative hearing.
- Represented pain management physician in investigation by the Medical Board of California relating to death of patient from opioid use and the subsequent closing of file/investigation without further action.

SPEAKING ENGAGEMENTS

Speaker, "Pharmacy Ethics and Professionalism (PE-22)," PBI Education, April, June, August & December 2020

Speaker, "When a Medical Staff Member Gets a DUI," CPPPH/CSAM Videoconferences for Wellbeing Committees, 11.19.2020

Speaker, "Trends in Medical Board Investigations and Prosecutions in 2020," California Association Medical Staff Services, San Diego Chapter Webinar, 11.05.2020

Guest Instructor, "Medical Record Keeping," UC San Diego's Physician Assessment and Clinical Education Program, 07.30.2020, 10.22.2020

Speaker, "DUIs: What Medical Staffs and Wellbeing Committees Need to Know," CPPPH/CSAM Videoconferences for Wellbeing Committees, 09.17.2020

Speaker, "How to Recognize and Manage Physician Burnout," 2020 California Association Medical Staff Services Education Series, 06.25.2020

Speaker, "Fair Hearings, 805 Reporting and the Consequences," California Ambulatory Surgery Association and Nossaman LLP's Managing the ASC Medical Staff, Los Angeles, CA, 03.05.2020

"Trends & Developments in Medical Board of California Enforcement & Licensing," Orange County Medical Association Educational Seminar, Newport Beach, CA, 02.25.2020

Speaker, "Terminating Physicians from Your Health Plan/Network — A How-to Guide," CAMSS Managed Care Chapter February Meeting, 02.11.2020

Speaker, "Increase in Investigations by MBC," San Diego Association for Healthcare Risk Management Second Annual Conference, San Diego, CA, 08.08.2019

Speaker, "Health Laws and Regulations," San Diego Organization of Healthcare Leaders' Fellow of the American College of Healthcare Executives Advancement Study Group Legal Session, La Jolla, CA, 06.12.2019

Speaker, "The Anatomy of Hospital Dysfunction: Tulare v. Tulare," California Academy of Attorneys for Healthcare Professionals 2018 Fall Conference, Manhattan Beach, CA, 09.30.2018

Speaker, "Peer Review Update," Quarterly Meeting of the Orange County Chapter of California Association of Medical Staff Services, Newport Beach, CA, 08.07.2018

Legal Expert, "Executive Functioning of Wellbeing Committees," California Public Protection & Physician Health Workshop, October 2017 & November 2017

Presenter, "Stuck in the Middle with You: The Role of Medical Staff Professionals in Hospital/Medical Staff Interactions," California Association Medical Staff Services, San Diego Chapter, 07.2017

Presenter, "Cultural Competence," California Association Medical Staff Services 46th Annual Education Forum, Long Beach, CA, 06.01.2017

Presenter, "Workplace Violence," Southern California Association for Healthcare Risk Management, 37th Annual Education Conference, Rancho Mirage, CA, 05.05.2017

Presenter, "The Paradox of Peer Review," California Association Medical Staff Services, San Diego Chapter, 01.2017

Presenter, "Unstoppable Force Meets Immovable Object: At Will Physician Contracting vs. Common Law Right of Fair Procedure," California Association Medical Staff Services, Managed Care Chapter, 10.2016

Moderator, "Mental Health and Gun Violence," San Diego County Bar Association, Law & Medicine Section, 06.2016

Presenter, "Pain: Prescribing, Pain Management and the Medical Board," Southern California Association for Healthcare Risk Management, 36th Annual Education Conference, Rancho Mirage, CA, 05.05.2016

Presenter, "Top 10 Things to Know About Licensing Boards," Multiple Venues/Audiences, 2014-2015

PUBLICATIONS

Author, "How Rules are Changing for California Physician Assistants," *Law360*, 05.27.2020

Co-Author, "How to Provide Emergency Credentialing and Privileging for Healthcare Staff to Prepare for Surge in COVID-19 Patients," *Nossaman eAlert*, 03.17.2020

Co-Author, "Long Shadow of *Kibler* to be Lengthened Further as California Supreme Court Addresses Application of Anti-SLAPP Statute in Peer Review," *Daily Journal*, 10.29.2019

Update Author, "Procedures Unique to Special Writ Proceedings Regarding Actions Involving the Medical Board of California," *CEB 2019 California Administrative Mandamus*, 2019

HONORS & RECOGNITIONS

AV Preeminent[®] Peer Review Rated by Martindale-Hubbell for 2018

Top-Rated Lawyer by Avvo for 2018

Top Lawyers in San Diego, *San Diego Magazine*, 2013-2017

COMMUNITY & PROFESSIONAL

California Public Protection & Physician Health, Inc., Advisory Attorney to the California Physician Wellbeing Committees

American College of Healthcare Executives, San Diego Chapter, Legal Counsel (2016-2017)

California Academy of Attorneys for Healthcare Professionals, President (2016-2017)

California Society for Healthcare Attorneys, Member

San Diego County Bar Association, Law & Medicine Committee, Co-Chair (2006 – 2010)

California Association Medical Staff Services, Member

Community Activities

Genesis International Orphanage Foundation, President - Board of Directors

PRACTICES

Health Law

Professional Licensing & Peer Review

Litigation

INDUSTRIES

Healthcare

Hospitals, Health Facilities, Medical Staffs & Foundations

EDUCATION

University of California, Hastings College of the Law, J.D., 1999

Yale University, B.A., 1996

ADMISSIONS

California