

David Balfour

San Diego, California
Shareholder

P (619) 219-5385
F (619) 219-5344
dbalfour@buchalter.com

Areas of Practice & Industry Specialties

Dispute Resolution; Health Care Law



David Balfour is a Shareholder in the Firm's San Diego office, and a member of the Healthcare practice group. Mr. Balfour brings two decades of experience to his practice, 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, medical staffs, medical groups, and individual healthcare providers regarding litigation risks and best practices to avoid litigation exposure.

Additionally, Mr. Balfour 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.

Mr. Balfour has an AV Preeminent® Peer Review Rated by Martindale-Hubbell, and he has also been named as one of the "Top Lawyers in San Diego" by *San Diego Magazine* from 2013-2023.

Representative Matters

- 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.

Publications

- How Rules are Changing for California Physicians Assistants, *Law360*, May 27, 2020
- How to Provide Emergency Credentialing and Privileging for Healthcare Staff to Prepare for Surge in COVID-19 Patients, *Nossaman eAlert*, March 17, 2020
- Long Shadow of Kibler to be Lengthened Further as California Supreme Court Addresses Application of

Anti-SLAPP Statute in Peer Review, *Daily Journal*, October 29, 2019

- Procedures Unique to Special Writ Proceedings Regarding Actions Involving the Medical Board of California, *CEB 2019 California Administrative Mandamus*, January 29, 2019

Presentations

- Presenter, "Something's Brewing at the Medical Board," California Society of Healthcare Attorneys Annual Conference, April 3, 2022
- Presenter, "Medical Staff 101," California Society of Healthcare Attorneys Annual Conference/Essentials Program, March 30, 2022
- Guest Lecturer, "UCSD PACE Medical Recordkeeping Course," UCSD, October 28, 2021
- Panelist, "Medical Staff Policies Related to Use of Marijuana and New Therapeutic Agents," California Public Protection & Physician Health, Inc., October 21, 2021
- Speaker, "Risk Management Tips for Physician Recordkeeping," The University of California, San Diego School of Medicine PACE Program Medical Recordkeeping Course, July 21, 2021
- Speaker, "When a Medical Staff Member Gets a DUI," CPPH/CSAM Videoconferences for Wellbeing Committees, November 19, 2020
- Speaker, "Trends in Medical Board Investigations and Prosecutions in 2020," California Association Medical Staff Services, San Diego Chapter Webinar, November 5, 2020
- Speaker, "DUIs: What Medical Staffs and Wellbeing Committees Need to Know," CPPH/ CSAM Videoconferences for Wellbeing Committees, September 17, 2020
- Speaker, "How to Recognize and Manage Physician Burnout," 2020 California Association Medical Staff Services Education Series, June 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, May 5, 2020
- Speaker, "Trends & Developments in Medical Board of California Enforcement & Licensing," Orange County Medical Association Educational Seminar, Newport Beach, CA, February 25, 2020
- Speaker, "Terminating Physicians From Your Health Plan/ Network- A How-to Guide," CAMSS Managed Care Chapter February Meeting, February 11, 2020
- Speaker, "Increase Investigations by MBC," San Diego Association for HealthCare Risk Management Second Annual Conference, August 8, 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, June 12, 2019
- Speaker, "The Anatomy of Hospital Dysfunction: Tulare v. Tulare," California Academy of Attorneys for Healthcare Professionals 2018 Fall Conference, September 30, 2018
- Speaker, "Peer Review Update," Quarterly Meeting of the Orange County Chapter of California Association of Medical Staff Services, August 7, 2018
- Legal Expert, "Executive Functioning of Wellbeing Committees," California Public Protection & Physician Health Workshop, October 11, 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, July 13, 2017
- Presenter, "Cultural Competence," California Association Medical Staff Services 46th Annual Education Forum, June 1, 2017
- Presenter, "Workplace Violence," the Southern California Association for Healthcare Risk Management, 37th Annual, May 5, 2017
- Presenter, "The Paradox of Peer Review," California Association Medical Staff Services, January 1, 2017
- Presenter, "Unstoppable Force Meets Immovable Object: At Will Physician Contracting vs. Common Law

Right of Fair Procedure," the California Association Medical Staff Services, Managed Care Chapter, October 1, 2016

- Moderator, "Mental Health and Gun Violence," San Diego County Bar Association, Law & Medicine Section, June 1, 2016
- Presenter, "Pain: Prescribing, Pain Management and the Medical Board," Southern California Association for Healthcare Risk Management, 36th Annual Education Conference, May 5, 2016
- Presenter, "Top 10 Things to Know About Licensing Boards," Multiple Venues/ Audiences, July 1, 2014

Education

Mr. Balfour earned his J.D. from the University of California, Hastings College of the Law. He earned his B.A. from Yale University.

Bar Admissions

- California

Community

- California Society for Healthcare Attorneys, Member, At Large Director, 2022-2024
- California Academy of Attorneys for Healthcare Professionals, President (2016-2017)
- San Diego County Bar Association, Law & Medicine Committee, Co-Chair (2006 – 2010)
- California Association Medical Staff Services, Member
- California Public Protection & Physician Health, Inc., Advisory Attorney to the California Physician Wellbeing Committees (2019-2021)
- Genesis International Orphanage Foundation, President of Board of Directors