

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: July 7, 2014
 ATTENTION: Members, Medical Board of California
 SUBJECT: Enforcement Program Summary
 STAFF CONTACT: Kimberly Kirchmeyer, Executive Director

Requested Action:

This report is intended to provide the Members with an update on the Enforcement Program at the Medical Board of California (Board). No action is needed at this time.

Expert Reviewer Program Update:

There are currently 951 experts in the Medical Board of California's expert database. 238 experts were utilized to review 322 cases in the first and second quarter of calendar year 2014. Attachment A provides the Expert Reviewer Program statistics. Additional experts are needed in the following specialties:

- Pain Medicine
- Dermatology
- Urology
- Neurosurgery

Vacancy Rate/Staffing Update:

Although the Board's investigators have transitioned to the Department of Consumer Affairs (DCA), the following provides the final vacancy information for the Board's Investigation Unit. Future reports will be provided by DCA. As of July 1, 2014, there were 7 sworn investigator vacancies (9% vacancy rate). However, 2 of these positions have individuals who are in background for the vacancy, which reduces the vacancy rate to 6%. There are 2 Supervisor vacancies (10% vacancy rate). The overall vacancy rate for all sworn staff is 9%, or 7% taking into consideration the candidates in background.

Laura Sweet, Deputy Chief of the Board's Investigative Unit, notified Board Management that she will be retiring October 8, 2014. However, she will be using her leave credits and therefore her last day with the Board was June 30, 2014, although she will continue to assist with the completion of the Board's revision of the prescribing guidelines and other special projects until October. Ms. Sweet has been a huge asset to the Board and will be greatly missed. During her time with the Board, Ms. Sweet has been instrumental in multiple projects, but most notable is the work she did on the Board's Expert Reviewer Program. She overhauled the Expert Reviewer training program in order to ensure our experts understood their role and the part they play in the Board's disciplinary process. The Board thanks Ms. Sweet for her service to the Board.

Consumer Protection Enforcement Initiative (CPEI) Positions:

On June 2, 2014, the Board started its Complaint Investigation Office (CIO). The CIO is a unit made up of six (6) Special Investigators (non-sworn) and a Supervising Special Investigator I who will be investigating certain cases that do not require investigation by the DCA Health Quality Investigative Unit (HQIU). The cases that this unit will investigate include: physicians who have been charged with or convicted of a criminal offense, physicians who violate a term or condition of probation following a disciplinary action, reports of disciplinary action taken by another state or jurisdiction, physicians petitioning for reinstatement of a license following revocation or surrender, physicians petitioning for modification or early termination of probation, and certain quality of care investigations following a malpractice settlement or judgment.

Not all enforcement activities or investigative duties require the use of sworn peace officer investigators. Many tasks associated with investigations can be performed by non-sworn investigators such as detecting and verifying violations, interviewing witnesses, gathering information, analyzing testimony, serving legal papers, or serving as an expert witness amongst other non-sworn duties. The ultimate goal in utilizing these positions is to assist in decreasing the number of cases currently assigned to the HQIU's investigators, thus decreasing the time it takes to complete the investigation process, which is consistent with the Board's strategic goals, objectives, and mission.

Transition:

On July 1, 2014, the Board's Investigative Unit and its support staff moved to the DCA pursuant to SB 304. The Board staff and DCA staff held a town hall with all affected employees on May 6, 2014. The meeting was held statewide via videoconferencing. At this meeting a list of questions and answers was provided to staff and staff also had the ability to ask questions. In addition, on June 30 and July 1, 2014 the DCA held swearing in ceremonies for all the Investigators of the new HQIU. At this time the transition is now complete. However, Board staff and DCA staff will continue to work closely together on the investigations of Board complaints.

**Medical Board of California
Expert Reviewer Program Report**

Agenda Item 8C

**CASES BY SPECIALTY SENT FOR REVIEW
UTILIZATION OF EXPERTS BY SPECIALTY
ACTIVE LIST EXPERTS BY SPECIALTY
7/1/2014**

SPECIALTY	Number of cases sent to Experts / reviewed (January-June)	Number of Experts Utilized (January-June)	Active List Experts 7.1.14 951↑
<i>ADDICTION</i>	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE	13 ↓
ALLERGY & IMMUNOLOGY (A&I)			4
ANESTHESIOLOGY (Anes)	10	7 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE 3 LIST EXPERTS REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES	72 ↑
COLON & RECTAL SURGERY (CRS)	1	1 EXPERT 1 LIST EXPERT	3
<i>COMPLEMENTARY/ALTERNATIVE MEDICINE</i>	4	3 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES	19 ↓
<i>CORRECTIONAL MEDICINE</i>			26 ↓
DERMATOLOGY (D)	12	5 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 5 COMPANION CASES	9 ↓
EMERGENCY (EM)	10	7 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE 2 LIST EXPERTS REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES	49 ↑
FAMILY (FM) * INVOLVED CASE REVIEWS AND PREP/TESTIMONY	33	20 EXPERTS 10 LIST EXPERTS REVIEWED 1 CASE 7 LIST EXPERTS REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 5 CASES 1 LIST EXPERT REVIEWED 6 CASES*	76 ↑

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INTERNAL (General Internal Med) *involved companion cases	33	25 EXPERTS 20 LIST EXPERTS REVIEWED 1 CASE 3 LIST EXPERTS REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 5 CASES*	178 ↓
Cardiovascular Disease (Cv)	9	8 EXPERTS 7 LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 5 CASES	33
Endocrinology, Diabetes and Metabolism (EDM)	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 2 CASES	7
Gastroenterology (Ge)	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE	19
Infectious Disease (Inf)	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE	11 ↑
Medical Oncology (Onc)			12
Nephrology (Nep)			9
Rheumatology (Rhu)			7
MIDWIFE REVIEWER	1	1 EXPERT 1 LIST EXPERT	6
NEUROLOGICAL SURGERY (NS) [*SHORT LIST OF REVIEWERS]	11	4 EXPERTS 1 OFF LIST EXPERT REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 5 CASES*	9
NEUROLOGY (N)	10	6 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE 3 LIST EXPERTS REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES	24 ↑
NEUROLOGY with Special Qualifications in Child Neurology (N/ChiN)			2

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NUCLEAR MEDICINE (NuM)			5
OBSTETRICS & GYNECOLOGY (ObG)	33	27 EXPERTS 18 LIST EXPERTS REVIEWED 1 CASE 7 LIST EXPERTS REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 5 CASES	73 ↑
<i>OCCUPATIONAL MEDICINE</i>			8
OPHTHALMOLOGY (Oph)	7	6 EXPERTS 1 OFF LIST EXPERT REVIEWED 1 CASE 4 LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 3 CASES	29 ↓
<i>ORAL & MAXILLOFACIAL SURGERY</i>			1
ORTHOPAEDIC SURGERY (OrS)	5	5 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES	30 ↑
OTOLARYNGOLOGY (Oto)	2	1 EXPERT 1 LIST EXPERT REVIEWED 2 CASES	18 ↓
PAIN MEDICINE (PM)	31	15 EXPERTS 6 LIST EXPERTS REVIEWED 1 CASE 4 LIST EXPERTS REVIEWED 2 CASES 2 LIST EXPERTS REVIEWED 3 CASES 3 LIST EXPERTS REVIEWED 4 CASES	27
PATHOLOGY (Path)	3	3 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE	9
PEDIATRICS (Ped)	4	4 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE	48 ↑

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PHYSICAL MEDICINE & REHABILITATION (PMR)	3	3 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE	9
PLASTIC SURGERY (PIS)	13	8 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES 3 LIST EXPERTS REVIEWED 3 CASES	51 ↓
PSYCHIATRY (Psyc)	50	38 EXPERTS 23 LIST EXPERTS REVIEWED 1 CASE 11 LIST EXPERTS REVIEWED 2 CASES 4 LIST EXPERTS REVIEWED 3 CASES	76 ↓
RADIOLOGY (Rad)	8	6 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES	35
<i>RADIATION ONCOLOGY</i>			4
SLEEP MEDICINE (S)			7 ↓
SURGERY (S)	18	13 EXPERTS 7 LIST EXPERTS REVIEWED 1 CASE 4 LIST EXPERTS REVIEWED 2 CASES 2 LIST EXPERTS REVIEWED 3 CASES	35 ↓
Vascular Surgery (VascS)	3	2 EXPERTS 2 LIST EXPERTS REVIEWED 2 CASES	7 ↓
THORACIC SURGERY (TS)	4	3 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 3 CASES	16
<i>(MEDICAL) TOXICOLOGY</i>	1	1 EXPERT 1 OFF LIST EXPERT	5

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UROLOGY (U)	7	6 EXPERTS 5 LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES	16 ↓
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TOTAL CASES SENT: JANUARY-JUNE, 2014	322
TOTAL LIST EXPERTS UTILIZED: JANUARY-JUNE, 2014	238
TOTAL ACTIVE LIST EXPERTS: JULY 1, 2014	951

Expert Program/sg (6.2014)