

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: October 14, 2015
 ATTENTION: Members, Medical Board of California
 SUBJECT: Enforcement Program Summary
 STAFF CONTACT: Christina Delp, Chief of Enforcement

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 1048 experts in the Board's expert database. 239 experts were utilized to review 418 cases between January and September 2015. **Attachment A** provides the Expert Reviewer Program statistics. Additional experts are needed in the following specialties:

- Addiction Medicine with additional certification in Family or Internal Medicine, or Psychiatry
- Dermatology
- Family Medicine
- Midwife Reviewer
- Neurological Surgery
- Neurology
- OB/Gyn
- Pathology
- Pain Medicine
- Plastic Surgery
- Psychiatry
- Surgery *(although the numbers show that we have more experts than total cases in this field, we still need to expand our list because it is difficult to find actively practicing surgeons readily available to perform reviews at time of request)*
- Urology

Staff has begun efforts to develop a recruitment plan to expand the number of experts within the aforementioned specialty fields of medicine. In addition, Staff have been reviewing and updating the Expert Reviewer Guidelines which are expected to be completed by December 31, 2015, in time for the Expert Reviewer training that is tentatively scheduled to be held in Southern California during March 2016. The Expert Reviewer database, called Med-X, is expected to get a new overhaul. Staff have been recording elements needed to enhance the antiquated database and will be working with staff from the Information Systems Branch (ISB) to make the system is user friendly for staff, investigators, and medical consultants to search for qualified Experts to assist with complaint investigations.

Staffing Update:

Enforcement Program management continues to fill vacant positions within the various units of the Enforcement Division. In the July 2015 Enforcement Summary, it was reported that the Central Complaint Unit had five vacancies. As of October 12, 2015, four of those vacancies have been filled and the new employees have reported to work and have begun training. Applicants for the final vacant position have been interviewed and the top candidate is progressing through the hiring process. The Complaint Investigation Office filled its remaining Special Investigator (non-sworn) position and the new employee is scheduled to report to work on November 2, 2015. In the Probation Unit, the Northern California

Inspector I position was filled and this employee reported to work in September. Interviews have been completed to fill one Inspector I position in the LA Metro area and one Associate Governmental Program Analyst position in Northern California. The Discipline Coordination Unit is fully staffed.

Central Complaint Unit (CCU):

The number of days it takes to initiation a complaint has increased to an average of fifteen (15) days, however staff continues to work together to reduce this timeframe to ten (10) days to ensure compliance with Business and Professions Code Section 129. Additionally, CCU analysts are continuing their efforts to reduce the number of days needed to complete the processing of complaints. This has been a difficult goal to achieve due to the vacancies in CCU, but the recently hired staff are making significant strides in learning their new functions. Management is confident they will contribute greatly once they have completed their training. Lastly, effective August 31, 2015, the Board received authority to once again issue citations containing orders of abatement and fines for violations of the statutes referred to in Title 16 of the California Code of Regulations, section 1364.11.

Complaint Investigation Office (CIO):

The Special Investigators (non-sworn) in CIO are each currently carrying a caseload of, approximately, 35-40 cases, however, this will decrease with the addition of the new investigator in November. Since the last summary report in July 2015, the unit has transmitted six (6) cases to the AG's Office; three (3) convictions, two (2) Petitions for Reinstatement and one (1) medical malpractice case. Staff have also completed ten (10) face-to-face subject interviews and closed fifty-eight (58) cases.

Discipline Coordination Unit (DCU):

DCU staff continues to focus their efforts on restoring public disciplinary documents on the Board website to ensure compliance with AB 1886. As indicated in the last Enforcement Summary, staff encountered a delay in the restoration when another component related to Breeze was identified. Management is currently offering overtime and has devised a daily schedule for all DCU staff to work on this project with the hopes of completing this project by December 31, 2015.

Probation Unit:

Management recently completed case reviews for all three of the Board's probation offices. Inspectors in each office are beginning to see Orders that include the new disciplinary guideline language contained in the recently implemented Uniform Standards for Substance-Abusing Licensees that took effect on March 25, 2015. On November 4, 2015, the Inspector Supervisors and management will meet to develop a comprehensive training plan for the unit's inspectors, focusing on subjects that will enhance their skills in monitoring probationers.

Vertical Enforcement Legislative Report:

On October 7, 2015, Board staff met with Department of Consumer Affairs (DCA) Chief Deputy Director Tracy Rhine, Deputy Director Michael Gomez, Senior Assistant Attorney General Gloria Castro, Supervising Deputy Attorney General Terry Jones and retired DCA Attorney Anita Scuri to discuss the upcoming report on the Vertical Enforcement (VE) process that is due to the Legislature on March 1, 2016. The group discussed the highlights and challenges of the VE process and discussed what items need to be included in the report. Ms. Scuri will be assisting Board staff in writing the report. The report will communicate the any efficiencies from the process and areas needing improvement to enhance the usefulness of VE in investigating Board complaints.

Technology Improvement – Cloud System:

The development of a “cloud” to share case information electronically via a secured system has been developed and will be utilized by staff within Enforcement’s DCU, CIO, and Probation Units; Health Quality Investigative Unit Investigators; and the Deputies at the Attorney General’s Office. This system will permit the timely receipt and sharing of case information and will reduce operating costs for the three agencies. A schedule to provide training to staff is under-development and it is anticipated staff from all agencies will be trained and proficient in using the cloud by the end of the first quarter in 2016.

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

September 30, 2015

SPECIALTY	Number of cases reviewed by Experts from January 1 through September 30, 2015	Number of Experts and how often utilized from January 1 through September 30, 2015	Active List of Experts 1,048 ↓
<i>ADDICTION</i>	1	1 EXPERT 1 LIST EXPERT	11 ↓
ALLERGY & IMMUNOLOGY (A&I)			3
ANESTHESIOLOGY (Anes) *INVOLVED 1 PREP W/ DAG and 2 COMPANION CASES (SAME SUBJECT, DIFFERENT COMPLAINTS). *FLAGGED AS UNAVAILALE TO REVIEW NEW CASES (LAST QUARTER OF CAL. YEAR 2015) WITHOUT PRIOR APPROVAL FROM MBC CHIEF OF ENF.	10	6 EXPERTS 5 LIST EXPERTS REVIEWED 1 CASE EA 1 LIST EXPERT REVIEWED 6 CASES *	71 ↑
COLON & RECTAL SURGERY (CRS)			3
<i>COMPLEMENTARY/ALTERNATIVE MEDICINE</i>	5	2 EXPERTS 1 LIST EXPERT REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 4 CASES	17 ↓
DERMATOLOGY (D)	5	3 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EA 1 LIST EXPERT REVIEWED 3 CASES	12 ↑
EMERGENCY (EM) *INVOLVED 5 COMPANION CASES and FLAGGED AS UNAVAILABLE TO REVIEW NEW CASES (THE LAST QUARTER OF 2015) WITHOUT PRIOR APPROVAL FROM MBC CHIEF OF ENF.	12	6 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE EA 2 LIST EXPERTS REVIEWED 2 CASES EA 1 LIST EXPERT REVIEWED 6 CASES*	44 ↓
FAMILY (FM) *FLAGGED AS UNAVAILABLE TO REVIEW NEW CASES (THE LAST QUARTER OF CAL. YEAR 2015) WITHOUT PRIOR APPROVAL FROM MBC CHIEF OF ENF.	66	29 EXPERTS 15 LIST EXPERTS REVIEWED 1 CASE EA 6 LIST EXPERTS REVIEWED 2 CASES EA 3 LIST EXPERTS REVIEWED 3 CASES EA 1 LIST EXPERT REVIEWED 4 CASES 1 LIST EXPERT REVIEWED 5 CASES * 2 LIST EXPERTS REVIEWED 6 CASES EA* 1 LIST EXPERT REVIEWED 13 CASES*	65
<i>HAND SURGERY</i>	1	1 EXPERT 1 LIST EXPERT	13
<i>HOSPICE & PALLIATIVE MEDICINE</i>	1	1 EXPERT 1 LIST EXPERT	15
INTERNAL (General Internal Med)	49	34 EXPERTS 24 LIST EXPERTS REVIEWED 1 CASE EA 3 LIST EXPERTS REVIEWED 2 CASES EA 4 LIST EXPERTS REVIEWED 3 CASES EA 3 LIST EXPERTS REVIEWED 4 CASES EA	152 ↓

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Cardiovascular Disease (Cv)	6	5 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE EA 2 LIST EXPERTS REVIEWED 2 CASES EA	32 ↓
Endocrinology (EDM)	1	1 EXPERT 1 LIST EXPERT	4
Gastroenterology (Ge)	7	5 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE EA 1 LIST EXPERT REVIEWED 3 CASES	21 ↑
Nephrology (Nep)			12 ↓
Pulmonary Disease (Pul)	1	1 EXPERT 1 LIST EXPERT	16
Rheumatology (Rhu)			5 ↓
MIDWIFE REVIEWER	2	3 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EA 1 LIST EXPERT REVIEWED 2 CASES	5
NEUROLOGICAL SURGERY (NS)	5	4 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE EA 1 LIST EXPERT REVIEWED 2 CASES	8
NEUROLOGY (N) *INVOLVED 3COMPANION CASES AND ALSO FLAGGED AS UNAVAILABLE TO REVIEW NEW CASES (THE LAST QUARTER OF 2015) WITHOUT PRIOR APPROVAL FROM MBC CHIEF OF ENF.	18	8 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE EA 2 LIST EXPERTS REVIEWED 2 CASES EA 1 LIST EXPERT REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 4 CASES 1 LIST EXPERT REVIEWED 5 CASES*	22 ↓
NEUROLOGY with Special Qualifications in Child Neurology (N/ChiN)			3
NUCLEAR MEDICINE (NuM)			4
OBSTETRICS & GYNECOLOGY (ObG) *FLAGGED AS UNAVAILABLE TO REVIEW NEW CASES THE LAST QUARTER OF CAL. YEAR 2015	25	17 EXPERTS 11 LIST EXPERTS REVIEWED 1 CASE EA 3 LIST EXPERTS REVIEWED 2 CASES EA 1 LIST EXPERT REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 4 CASES 1 LIST EXPERT REVIEWED 6 CASES*	62 ↓

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OPHTHALMOLOGY (Oph)	11	8 EXPERTS 5 LIST EXPERTS REVIEWED 1 CASE EA 1 LIST EXPERT REVIEWED 2 CASES 2 LIST EXPERTS REVIEWED 3 CASES EA	26
ORTHOPAEDIC SURGERY (OrS)	6	5 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE EA 1 LIST EXPERT REVIEWED 2 CASES	30 ↓
OTOLARYNGOLOGY (Oto)	1	1 EXPERT 1 LIST EXPERT	16 ↓
PAIN MEDICINE (PM) *FLAGGED AS UNAVAILABLE TO REVIEW NEW CASES (THE LAST QUARTER OF CAL. YEAR 2015) WITHOUT PRIOR APPROVAL FROM MBC CHIEF OF ENF.	25	14 EXPERTS 9 LIST EXPERTS REVIEWED 1 CASE EA 2 LIST EXPERTS REVIEWED 2 CASES EA 1 LIST EXPERT REVIEWED 3 CASES 2 LIST EXPERTS REVIEWED 5 CASES EA*	29 ↓
PATHOLOGY (Path)	2	2 EXPERTS 1 OFF LIST EXPERT REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 1 CASE	10 ↑
PEDIATRICS (Ped)	5	5 EXPERTS 5 LIST EXPERTS REVIEWED 1 CASE EA	48 ↓
Pediatric Cardiology (Cd)	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE	5
PHYSICAL MEDICINE & REHABILITATION			11 ↑
PLASTIC SURGERY (PIS) *FLAGGED AS UNAVAILABLE TO REVIEW NEW CASES THE LAST QUARTER OF CAL. YEAR 2015	38	14 EXPERTS 5 LIST EXPERTS REVIEWED 1 CASE EA 2 LIST EXPERTS REVIEWED 2 CASES EA 2 LIST EXPERT REVIEWED 3 CASES EA 1 LIST EXPERT REVIEWED 4 CASES 1 LIST EXPERT REVIEWED 5 CASES* 3 LIST EXPERTS REVIEWED 6 CASES EA*	38 ↓
OCCUPATIONAL MEDICINE	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EA	6 ↓

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<p>PSYCHIATRY (Psyc)</p> <p>*ALL 4 EXPERTS PERFORMED MOSTLY PSYCH EVALUATIONS, NOT CASE REVIEWS.</p> <p>**PERFORMED 4 CASE REVIEWS, 1 SUPPLEMENTAL WORK AND 6 PSYCH EVALUATIONS (FLAGGED AS UNAVAILABLE TO REVIEW NEW CASES WITHOUT PRIOR APPROVAL FROM MBC CHIEF OF ENF).</p> <p>***PERFORMED 6 CASE REVIEWS, 1 PREP, 9 PSYCH EVALUATIONS (FLAGGED AS UNAVAILABLE TO REVIEW NEW CASES WITHOUT PRIOR APPROVAL FROM MBC CHIEF OF ENF).</p>	104	<p>43 EXPERTS</p> <p>20 LIST EXPERTS REVIEWED 1 CASE EA 8 LIST EXPERTS REVIEWED 2 CASES EA 6 LIST EXPERTS REVIEWED 3 CASES EA 3 LIST EXPERTS REVIEWED 4 CASES EA 1 LIST EXPERT REVIEWED 1 CASE and PERFORMED 4 EVALUATIONS* 1 LIST EXPERT PERFORMED 5 EVALUATIONS* 1 LIST EXPERT REVIEWED 2 CASES and PERFORMED 4 EVALUATIONS* 1 LIST EXPERT PERFORMED 6 EVALUATIONS* 1 LIST EXPERT REVIEWED 5 CASES and PERFORMED 6 EVALUATIONS ** 1 LIST EXPERT REVIEWED 7 CASES and PERFORMED 9 EVALUATIONS and ADMINISTERED 1 ORAL COMP EXAM ***</p>	72 ↑
<p>RADIOLOGY (Rad)</p> <p>*INVOLVED 4 COMPANION CASES (FLAGGED AS UNAVAILABLE TO REVIEW NEW CASES (THE LAST QUARTER OF 2015) WITHOUT PRIOR APPROVAL FROM MBC CHIEF OF ENF.</p>	8	<p>4 EXPERTS</p> <p>3 LIST EXPERTS REVIEWED 1 CASE EA 1 LIST EXPERT REVIEWED 5 CASES*</p>	28 ↓
<p>Radiation Oncology (Rad RO)</p>			4
<p>SLEEP MEDICINE (S)</p>	1	<p>1 EXPERT</p> <p>1 LIST EXPERT</p>	7
<p>SURGERY (S)</p>	12	<p>9 EXPERTS</p> <p>5 LIST EXPERTS REVIEWED 1 CASE EA 1 OFF LIST EXPERT REVIEWED 1 CASE 3 LIST EXPERTS REVIEWED 2 CASES EA</p>	29 ↓
<p>Pediatric Surgery (PdS)</p>			3
<p>VASCULAR SURGERY (VASCS)</p>	1	<p>2 EXPERTS</p> <p>2 LIST EXPERTS REVIEWED 1 CASE EA</p>	7
<p>THORACIC SURGERY (TS)</p>			11
<p>TOXICOLOGY</p>	1	<p>1 EXPERT</p> <p>1 LIST EXPERT</p>	7

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UROLOGY (U) * INVOLVED 4 COMPANION CASES (FLAGGED AS UNAVAILABLE TO REVIEW NEW CASES THE LAST QUARTER OF CAL. YEAR 2015 WITHOUT PRIOR APPROVAL FROM MBC CHIEF OF ENF.)	10	5 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE EA 1 LIST EXPERT REVIEWED 6 CASES *	14
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TOTAL CASES REVISED (Jan-Sep 30, 2015)	418
TOTAL EXPERTS UTILIZED (Jan-Sep 30, 2015)	239
TOTAL LIST OF ACTIVE EXPERTS	1,048

↓↑ Numbers fluctuate based on availability of experts and removal from the Program.