

## MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: January 3, 2018  
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:

There are currently 954 active experts in the Board's expert database. 229 experts were utilized to review 413 cases from July 1, 2017 through December 31, 2017 (**Attachment A**). Additional experts are needed in the following specialties:

- Allergy and immunology
- Addiction medicine with added certification in family medicine or internal medicine or psychiatry
- Colon/rectal surgery
- Dermatology
- Family medicine
- Gastroenterology
- Neurological surgery
- Neurology
- Pain medicine
- Pathology (preferably from the following counties: Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, and Ventura)
- Forensic Pathology
- Pediatric cardiac surgery
- Pediatric gastroenterology
- Pediatric pulmonology
- Pediatric surgery
- 
- Plastic surgeons with the following expertise: 1) Neograft hair transplant/FUE transplant; 2) gender reassignment surgical procedure
- Psychiatry (forensic and addiction)
- Thoracic surgery (cardiac surgery)
- Urology (and urologists with expertise in gender reassignment surgical procedure)
- Vascular surgery

Expert reviewer training was held on November 2, 2017, in Sylmar, California. Staff is working to secure location sites for training in 2018, which will be held in September and October.

### Central Complaint Unit:

The average number of days to initiate a complaint in the Central Complaint Unit (CCU) is eight for the second quarter of FY 2017-2018, which is within the timeframe mandated by Business and Professions Code section 129(b).

CCU analysts continued their efforts to reduce the aging of all case types. While a decrease in the average number of days to process a complaint was not accomplished, it remained steady and is currently at 90 days.

CCU management filled one of the two vacant staff services analyst (SSA) positions mentioned in the previous enforcement summary. The employee reported to work on November 13, 2017. Interviews were conducted for the second vacant SSA position, however, the top candidates accepted offers at other agencies, and therefore the position was re-advertised. In addition to the SSA position that was re-advertised, CCU currently has one vacant staff services manager (SSM I) position following a retirement from state service, one vacant SSA position resulting from a promotion, and one vacant management services technician (MST) position also due to a promotion. All but the SSM I position have been advertised and interviews are expected to take place in January.

Discipline Coordination Unit:

The Discipline Coordination Unit (DCU) filled its SSA position and the candidate began employment in November 2017. Candidates were selected for the vacant MST and limited-term office technician positions. Tentative offers were made, pending hiring clearances.

Complaint Investigation Office:

The Complaint Investigation Office (CIO) non-sworn special investigators (SI) continue to have a case load of approximately 54 cases. Since the last enforcement summary, CIO has closed 50 cases and has transmitted 15 cases to the Attorney General's Office (AGO) – 8 malpractice, 3 criminal conviction cases (to include 1 PC 23 Order), and 4 petitions for reinstatement of licensure. The average number of days for CIO to complete an investigation is 303 days. This increase is a result of a vacant SI position and the reduction of a full-time employee to part-time for another SI.

Interviews to fill the part-time SI position were conducted and a tentative offer was made pending hiring clearances. Interviews to backfill the full-time SI position are anticipated to be conducted in late January.

Probation Unit:

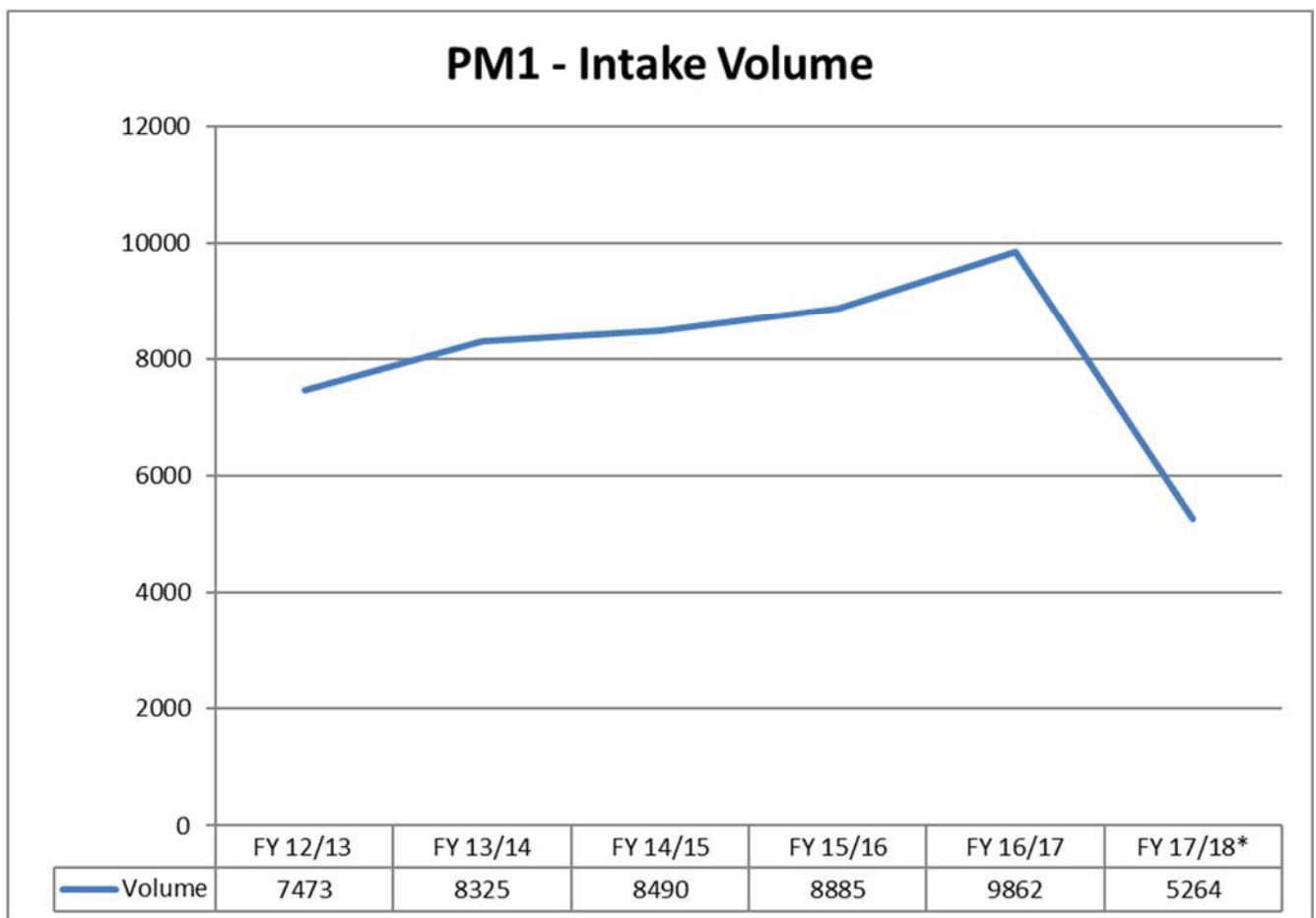
The Probation Unit filled one Inspector III (supervisory) position in the San Dimas field office in June. However, the two Inspector III positions at the Cerritos and Sacramento field offices remain vacant. The Inspector III exam is currently posted and will be closing on January 5, 2018. The list is expected to be finalized by the end of January and then the two positions will be re-advertised. February 2018 is the anticipated date management will conduct interviews for the vacant Inspector III positions.

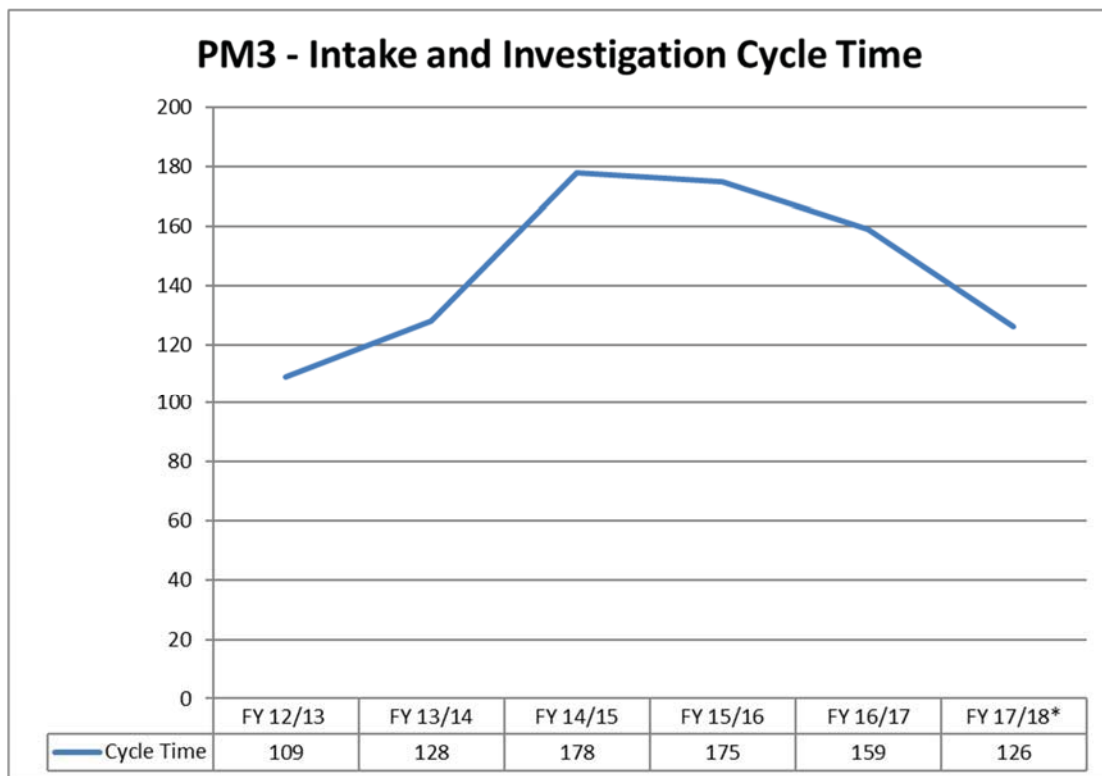
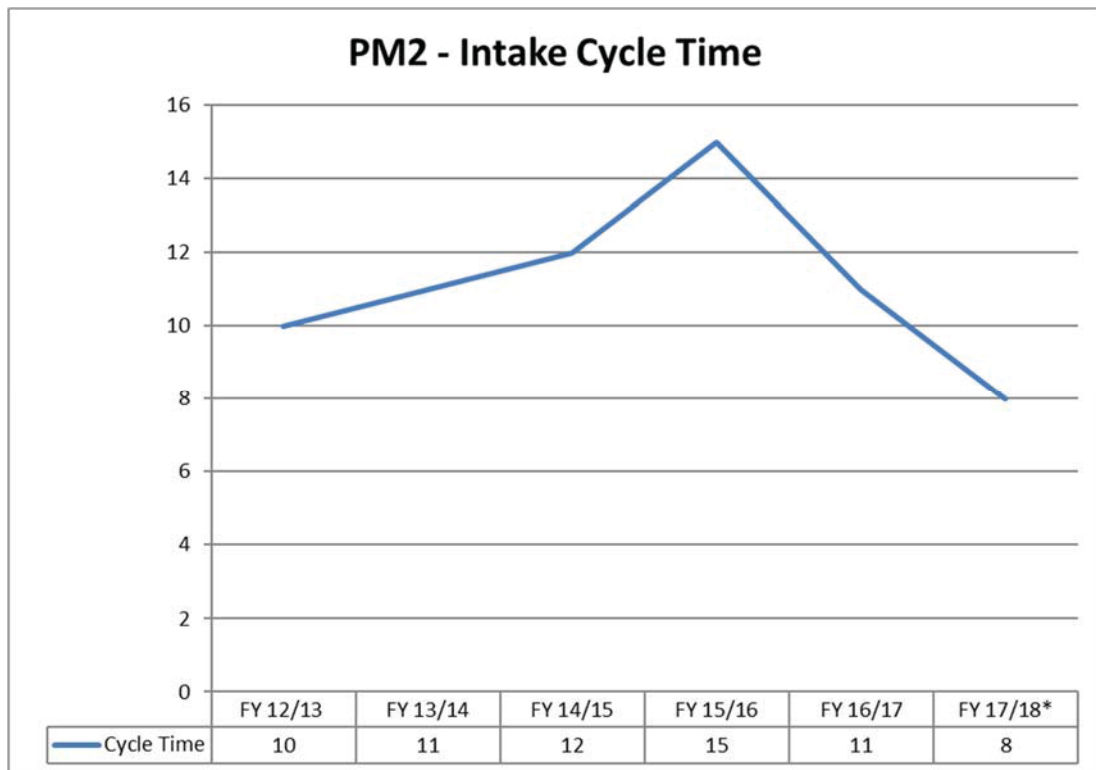
Presently the San Dimas and Cerritos offices are fully staffed with inspector positions.

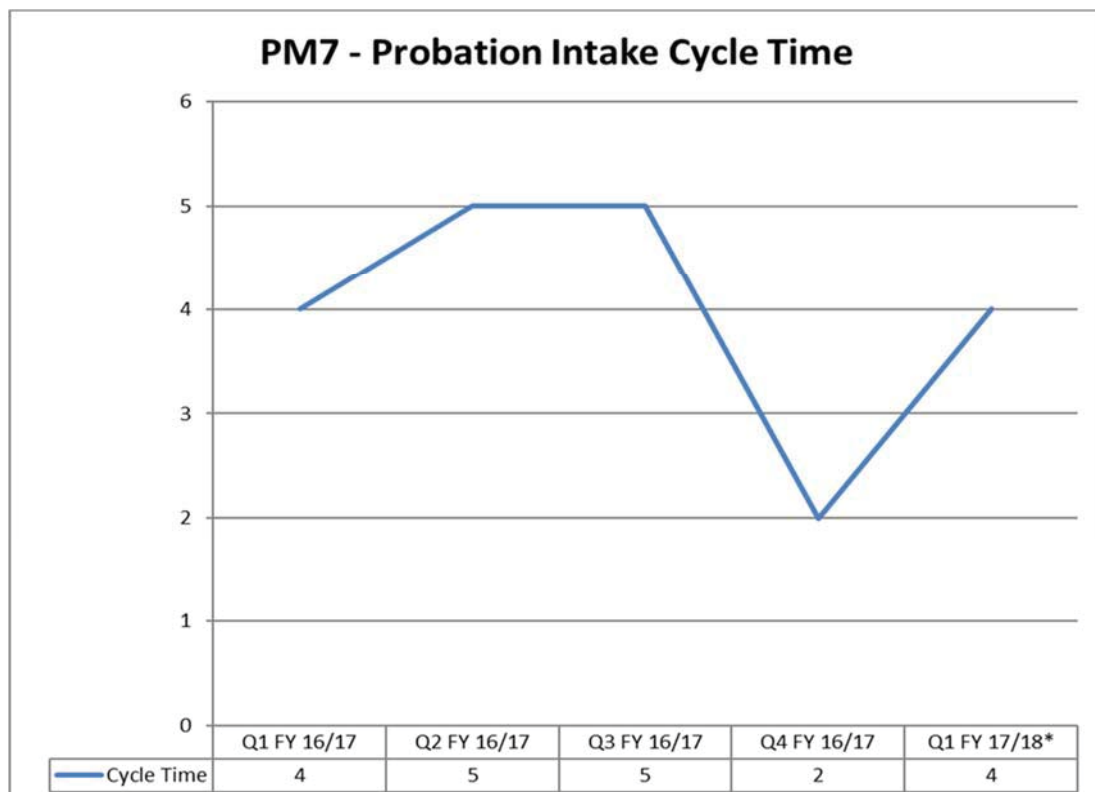
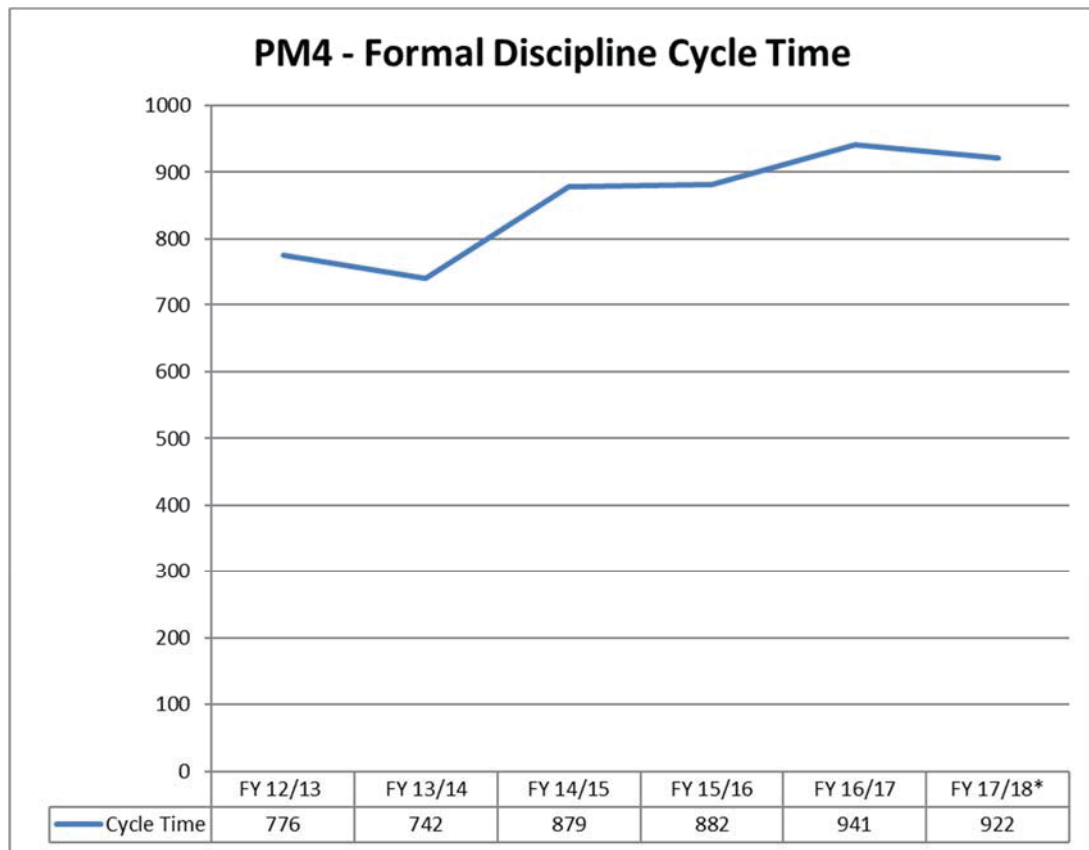
An Inspector I position in the Sacramento field office was filled in October 2017, leaving one remaining Inspector I vacancy. A candidate was offered the job however, subsequently declined. The position will be re-advertised in January after the new Inspector I exam list is released. February 2018 is the anticipated date interviews for this vacant position will be held.

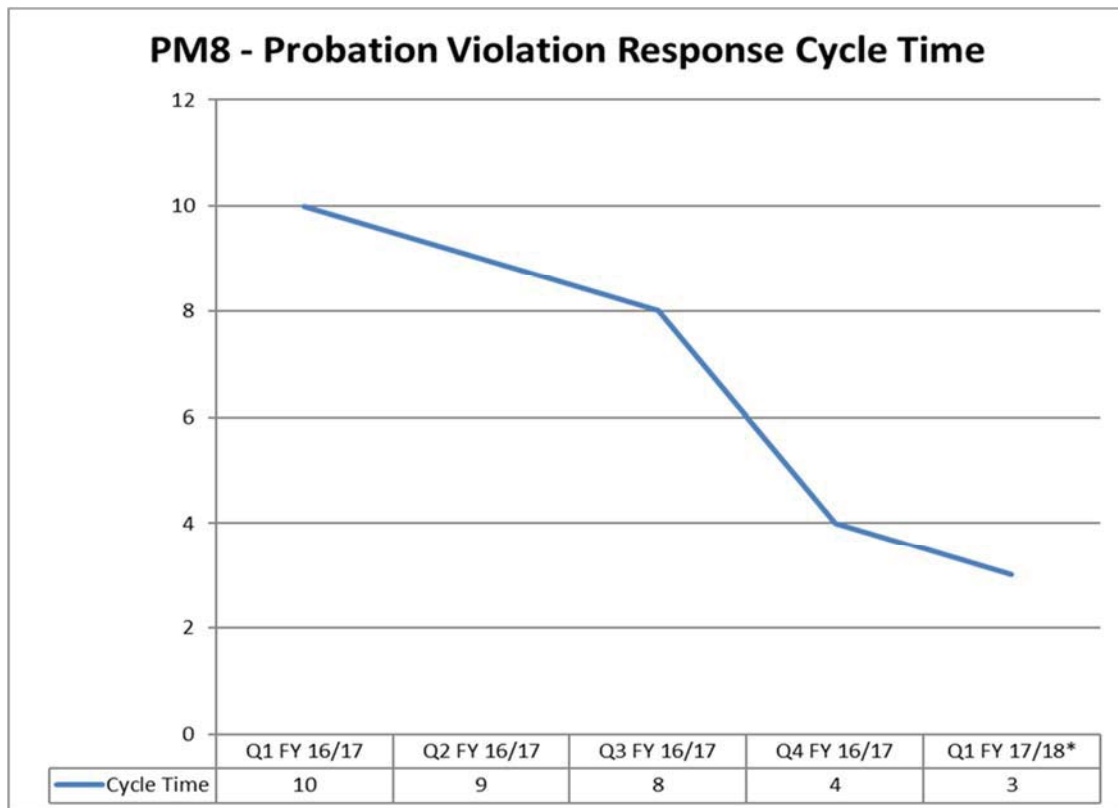
Enforcement Performance Measures:

The charts below depict workload statistics regarding the number of complaints received, which includes complaints and arrest notifications (PM1), the average number of days to initiate a complaint and assign it to an analyst (PM2), the average number of days it takes to complete a case that has not been transmitted to the AGO for disciplinary action (PM3), and the average number of days it takes to complete a case that has been transmitted to the AGO for disciplinary action (PM4). PM7 captures the average number of days from when a probation inspector is assigned a case to when the inspector makes the initial telephone call to the probationer to set up the face-to-face intake interview. PM8 captures the average number of days from when a probation inspector confirms/supports with evidence that a violation of a term and condition of probation may have occurred to when management has provided approval for appropriate action to be taken for the violation of probation. Reports capturing PM7 and PM8 statistics were implemented in July 2016, and reflect fiscal years 16/17 and July 1 through December 31, 2017.









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

Attachment A

**Fiscal Year 2017 – 2018  
January 3, 2018**

<b>SPECIALTY</b>	<b>Number of cases reviewed by Experts July 1 through December 31, 2017</b>	<b>Number of Experts and how often utilized from July 1 through December 31, 2017</b>	<b>Active List Experts</b>
			<b>954 ↑</b>

<i>ADDICTION</i>	3		10
ALLERGY & IMMUNOLOGY (A&I)			5
ANESTHESIOLOGY Anes  *Flagged as over-utilized and will require prior approval from Enforcement Chief before using to review new cases for FY 17/18.	20	10 EXPERTS 6 LIST EXPERTS REVIEWED 1 CASE EACH 2 LIST EXPERTS REVIEWED 2 CASES EACH 1 LIST EXPERT REVIEWED 4 CASES 1 LIST EXPERT REVIEWED 6 CASES *	79 ↑
COLON & RECTAL SURGERY (CRS)			3
<i>COMPLEMENTARY/ALTERNATIVE MEDICINE</i>	9	5 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 4 CASES	16
DERMATOLOGY D	6	3 EXPERTS 1 LIST EXPERT REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES	9
DIAGNOSTIC RADIOLOGY	6	4 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 3 CASES	29
EMERGENCY (EM)	21	11 EXPERTS 6 LIST EXPERTS REVIEWED 1 CASE EACH 3 LIST EXPERTS REVIEWED 2 CASES EACH 1 LIST EXPERT REVIEWED 4 CASES 1 LIST EXPERT REVIEWED 5 CASES	47
FAMILY (FM)	68	32 EXPERTS 16 LIST EXPERTS REVIEWED 1 CASE EACH 7 LIST EXPERTS REVIEWED 2 CASES EACH 4 LIST EXPERTS REVIEWED 3 CASES EACH 2 LIST EXPERTS REVIEWED 4 CASES EACH 1 LIST EXPERT REVIEWED 5 CASES 1 LIST EXPERT REVIEWED 4 CASES and PERFORMED 3 MEDICAL EXAMINATIONS 1 LIST EXPERT PERFORMED 7 MEDICAL EXAMINATIONS	72 ↑

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			<b>954 ↑</b>

INTERNAL General Internal Med)  *Flagged as over-utilized and will require prior approval from Enforcement Chief before using to review new cases for FY 17/18.	48	23 EXPERTS 16 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASES 4 LIST EXPERTS REVIEWED 3 CASES EACH 1 LIST EXPERT PERFORMED 7 MEDICAL EXAMINATIONS 1 LIST EXPERT REVIEWED 11 CASES	97↑
Cardiovascular Disease (Cv)	12	9 EXPERTS 7 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES	29 ↑
Clinical Cardiac Electrophysiology (CCEP)	1	1 LIST EXPERT	3
Critical Care Medicine (CCM)	3	2 EXPERTS 1 LIST EXPERT REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES	13 ↑
Endocrinology, Diabetes and Metabolism EDM)	1	1 LIST EXPERT	6
Gastroenterology (Ge)	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH	18
Geriatric Medicine (Ger)	9	5 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE EACH 2 LIST EXPERTS REVIEWED 3 CASES	15 ↓
Hematology (Hem)			4 ↓
Hospice & Palliative Medicine (HPM)	4	2 EXPERTS 1 LIST EXPERT REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 3 CASES	10
Infectious Disease (Inf)	3	2 EXPERTS 1 LIST EXPERT REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES	11
Interventional Cardiology (Intv Cd)	8	6 EXPERTS 5 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 3 CASES	13



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Medical Oncology (Onc)			10
Nephrology (Nep)	6	6 EXPERTS 6 LIST EXPERTS REVIEWED 1 CASE EACH	13
Pulmonary Disease (Pul)	3	2 EXPERTS 1 LIST EXPERT REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES	15 ↑
Rheumatology (Rhu)	2	1 LIST EXPERT	9
MIDWIFE REVIEWER	1	1 LIST EXPERT	7
NEUROLOGICAL SURGERY (NS)	5	2 EXPERTS 1 LIST EXPERT REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 4 CASES	9
NEUROLOGY (N)	13	9 EXPERTS 6 LIST EXPERTS REVIEWED 1 CASE EACH 2 LIST EXPERTS REVIEWED 2 CASES EACH 1 LIST EXPERT REVIEWED 3 CASES	26 ↓
NEUROLOGY with Special Qualifications in Child Neurology (N/ChiN)			2
NUCLEAR MEDICINE (NuM)			3
OBSTETRICS & GYNECOLOGY (ObG)  *Flagged as over-utilized and will require prior approval from Enforcement Chief before using to review new cases for FY 17/18.	36	13 EXPERTS 5 LIST EXPERTS REVIEWED 1 CASE EACH 2 LIST EXPERTS REVIEWED 2 CASES EACH 1 LIST EXPERT REVIEWED 3 CASES 3 LIST EXPERTS REVIEWED 4 CASES 1 LIST EXPERT REVIEWED 5 CASES 1 LIST EXPERT REVIEWED 7 CASES	78
OCCUPATIONAL MEDICINE	2	1 EXPERT 1 LIST EXPERT REVIEWED 2 CASES	9 ↑

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OPHTHALMOLOGY (Oph)  *Flagged as over-utilized and will require prior approval from Enforcement Chief before using to review new cases for FY 17/18.	10	5 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 5 CASES	26
ORTHOPAEDIC SURGERY (OrS)	23	15 EXPERTS 8 LIST EXPERTS REVIEWED 1 CASE EACH 6 LIST EXPERTS REVIEWED 2 CASES EACH 1 LIST EXPERT REVIEWED 3 CASES	32 ↑
OTOLARYNGOLOGY Oto	6	3 EXPERTS 1 LIST EXPERT REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES	22 ↑
PAIN MEDICINE (PM)  *Flagged as over-utilized and will require prior approval from Enforcement Chief before using to review new cases for FY 17/18.	24	8 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 4 CASES 1 LIST EXPERT REVIEWED 6 CASES 1 LIST EXPERT REVIEWED 8 CASES	22 ↓
PATHOLOGY (Path)			12 ↑
PEDIATRICS (Ped)	6	2 EXPERTS 1 LIST EXPERT REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 5 COMPANIONS CASES (1 SUBJECT)	54 ↑
Pediatric Cardiology (Cd)			5
Pediatric Cardiothoracic Surgery			0
Pediatric Gastroenterology (Ge)			5
Pediatric Pulmonology (Pul)			0
PHYSICAL MEDICINE & REHABILITATION (PMR)	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH	12 ↓

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			<b>954 ↑</b>
<b>PLASTIC SURGERY (PIS)</b>  *Flagged as over-utilized and will require prior approval from Enforcement Chief before using to review new cases for FY 17/18.	18	<b>9 EXPERTS</b> 6 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 4 CASES 1 LIST EXPERT REVIEWED 6 CASES	46 ↓
<b>PSYCHIATRY (Pysc)</b>  *Flagged as over-utilized and will require prior approval from Enforcement Chief before using to review new cases for FY 17/18.	76	<b>32 EXPERTS</b> 20 LIST EXPERTS REVIEWED 1 CASE EACH 5 LIST EXPERTS REVIEWED 2 CASES EACH 2 LIST EXPERTS REVIEWED 3 CASES EACH 1 LIST EXPERT REVIEWED 4 CASES 1 LIST CASES REVIEWED 5 CASES 1 LIST EXPERT REVIEWED 8 CASES, but 7 were companion cases (reviewed 2 subjects/8 cases) 1 LIST EXPERT REVIEWED 1 CASE and PERFORMED 8 MEDICAL EXAMINATIONS 1 LIST EXPERT REVIEWED 3 CASES and PERFORMED 11 MEDICAL EXAMINATIONS	88 ↑
<b>Addiction Psychiatry (AdP)</b>	22	<b>9 EXPERTS</b> 5 LIST EXPERTS REVIEWED 1 CASE EACH 2 LIST EXPERTS REVIEWED 2 CASES EACH 1 LIST EXPERT REVIEWED 4 CASES 1 LIST EXPERT REVIEWED 1 CASE and PERFORMED 8 MEDICAL EXAMINATIONS	12
<b>SLEEP MEDICINE (S)</b>	2	<b>1 EXPERT</b> 1 LIST EXPERT REVIEWED 2 CASES	6
<b>SURGERY (S)</b>	17	<b>10 EXPERTS</b> 6 LIST EXPERTS REVIEWED 1 CASE EACH 2 LIST EXPERTS REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 4 CASES	41 ↑
<b>THORACIC AND CARDIAC SURGERY</b>	2	<b>3 EXPERTS</b> 3 LIST EXPERTS REVIEWED 1 CASE EACH	11 ↓
<b>UROLOGY (U)</b>	13	<b>8 EXPERTS</b> 3 LIST EXPERTS REVIEWED 1 CASE EACH 5 LIST EXPERTS REVIEWED 2 CASES EACH	21

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

Attachment A

**Fiscal Year 2017 – 2018  
January 3, 2018**

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			<b>954 ↑</b>

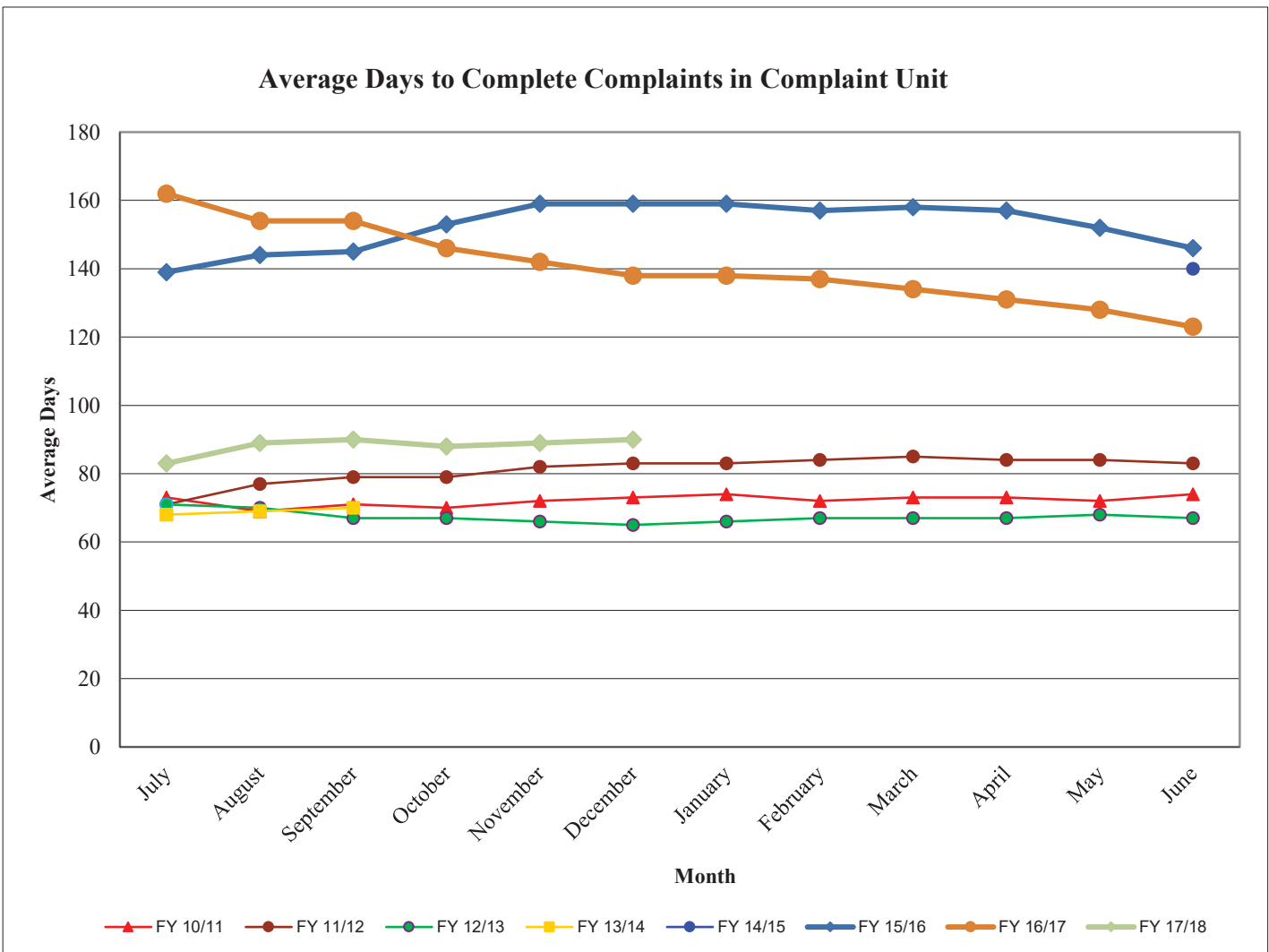
VASCULAR SURGERY	8	4 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 4 CASES	7 ↑
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TOTAL CASES REVIEWED (July 1 through December 31, 2017)	<b>413</b>
TOTAL EXPERTS UTILIZED ((July 1 through December 31, 2017))	<b>229</b>
TOTAL ACTIVE LIST EXPERTS (December 29)	<b>954</b>

↓↑ Numbers fluctuate based on availability of experts, new experts added and experts removed from active status.

# **Medical Board of California Enforcement Program** **Average Days to Complete Complaint in Complaint Unit**

Month	Fiscal Year							
	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18
July	73	71	71	68		139	162	83
August	69	77	70	69		144	154	89
September	71	79	67	70		145	154	90
October	70	79	67			153	146	88
November	72	82	66			159	142	89
December	73	83	65			159	138	90
January	74	83	66			159	138	
February	72	84	67			157	137	
March	73	85	67			158	134	
April	73	84	67			157	131	
May	72	84	68			152	128	
June	74	83	67		140	146	123	

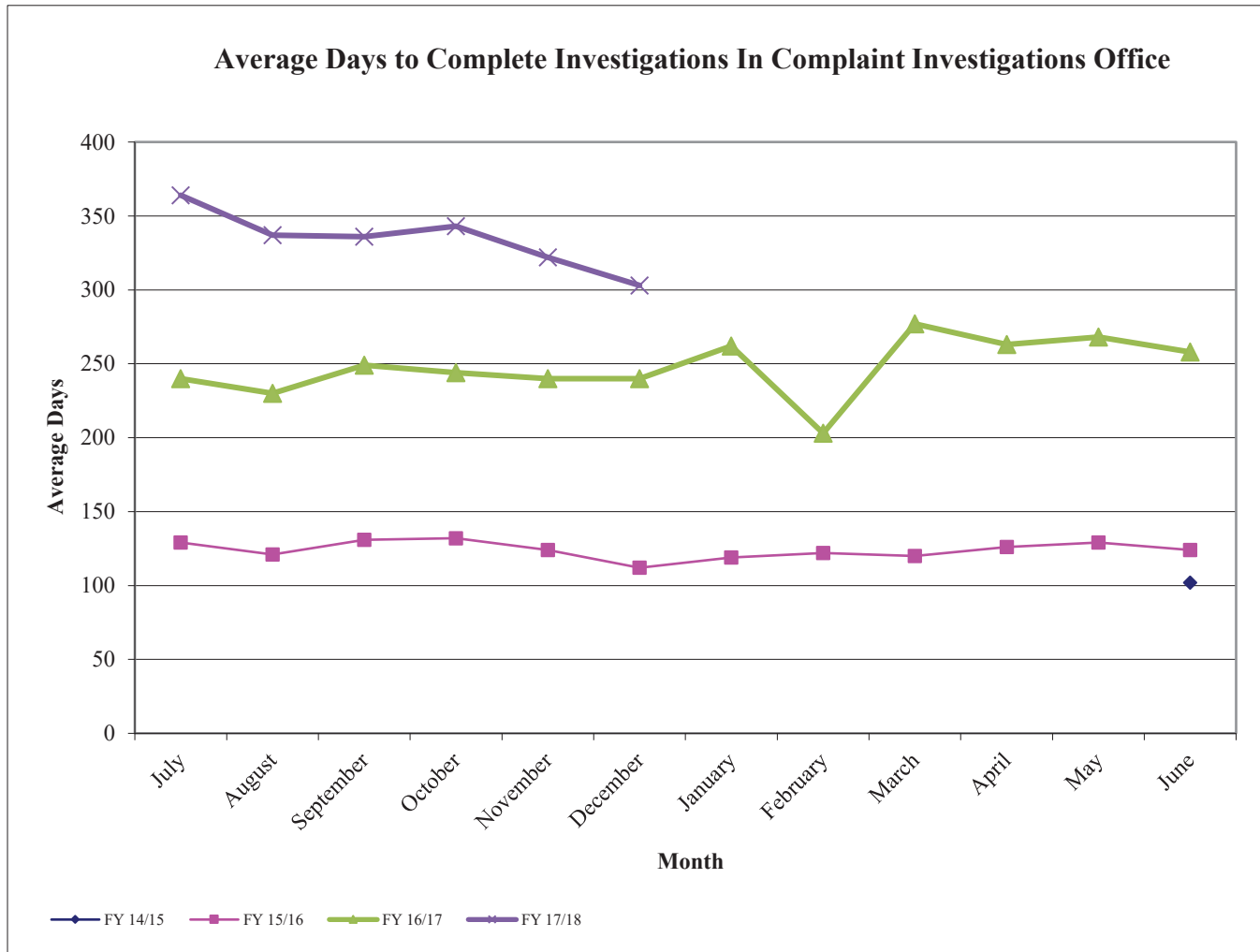


Average Days to Complete Complaints in Complaint Unit includes complaints resolved by Complaint Unit and Complaint Unit processing days for cases completed at field investigation.

## Medical Board of California Enforcement Program

### Average Days to Complete Investigations in Complaint Investigations Office

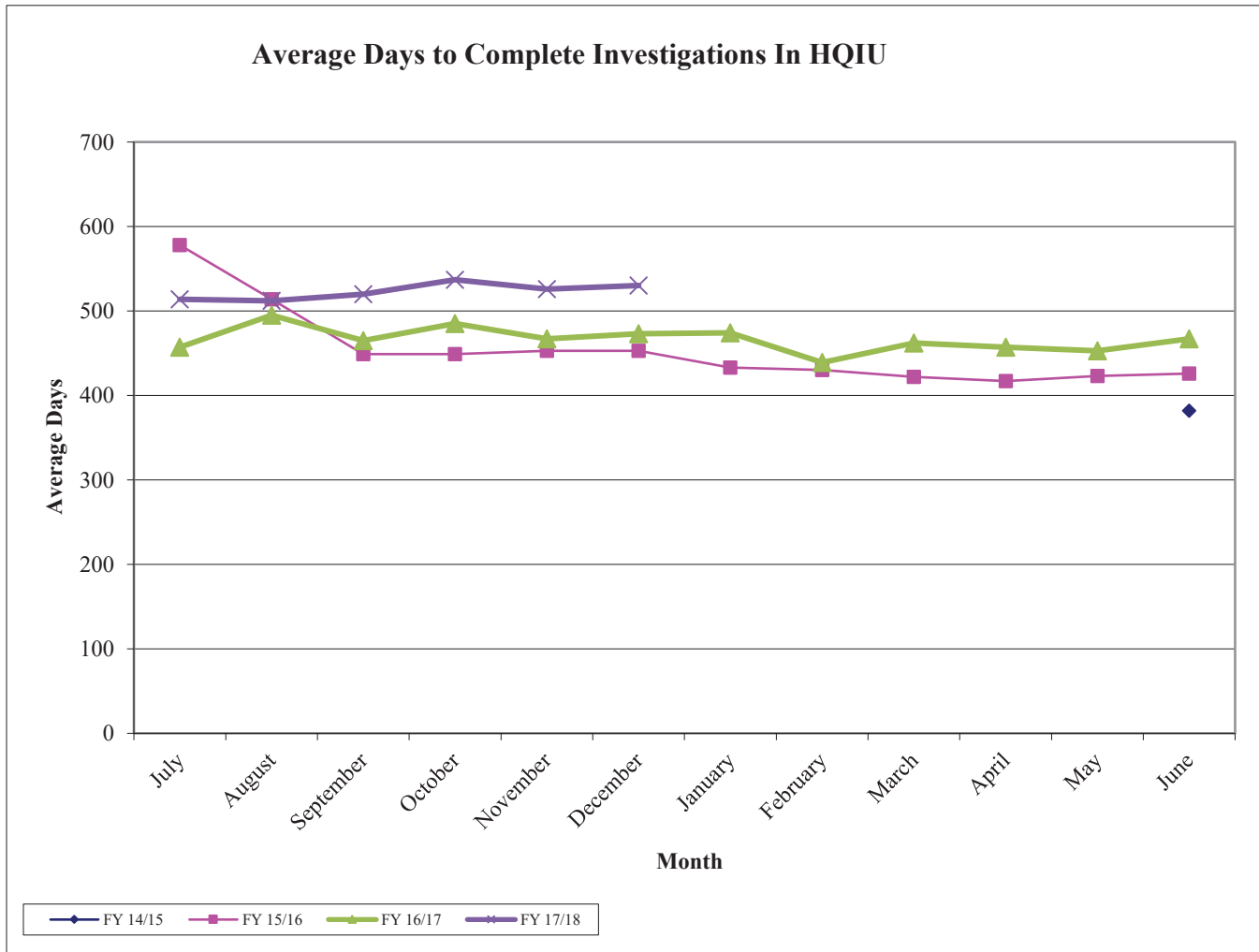
	Fiscal Year			
Month	FY 14/15	FY 15/16	FY 16/17	FY 17/18
July		129	240	364
August		121	230	337
September		131	249	336
October		132	244	343
November		124	240	322
December		112	240	303
January		119	262	
February		122	203	
March		120	277	
April		126	263	
May		129	268	
June	102	124	258	



Investigation processing days are from the date case was assigned to Complaint Investigation Office (CIO) Investigator by Complaint Unit until closure or referral (does not include Complaint Unit processing days for complaints completed at CIO).

## Medical Board of California Enforcement Program Average Days to Complete Investigations in HQIU

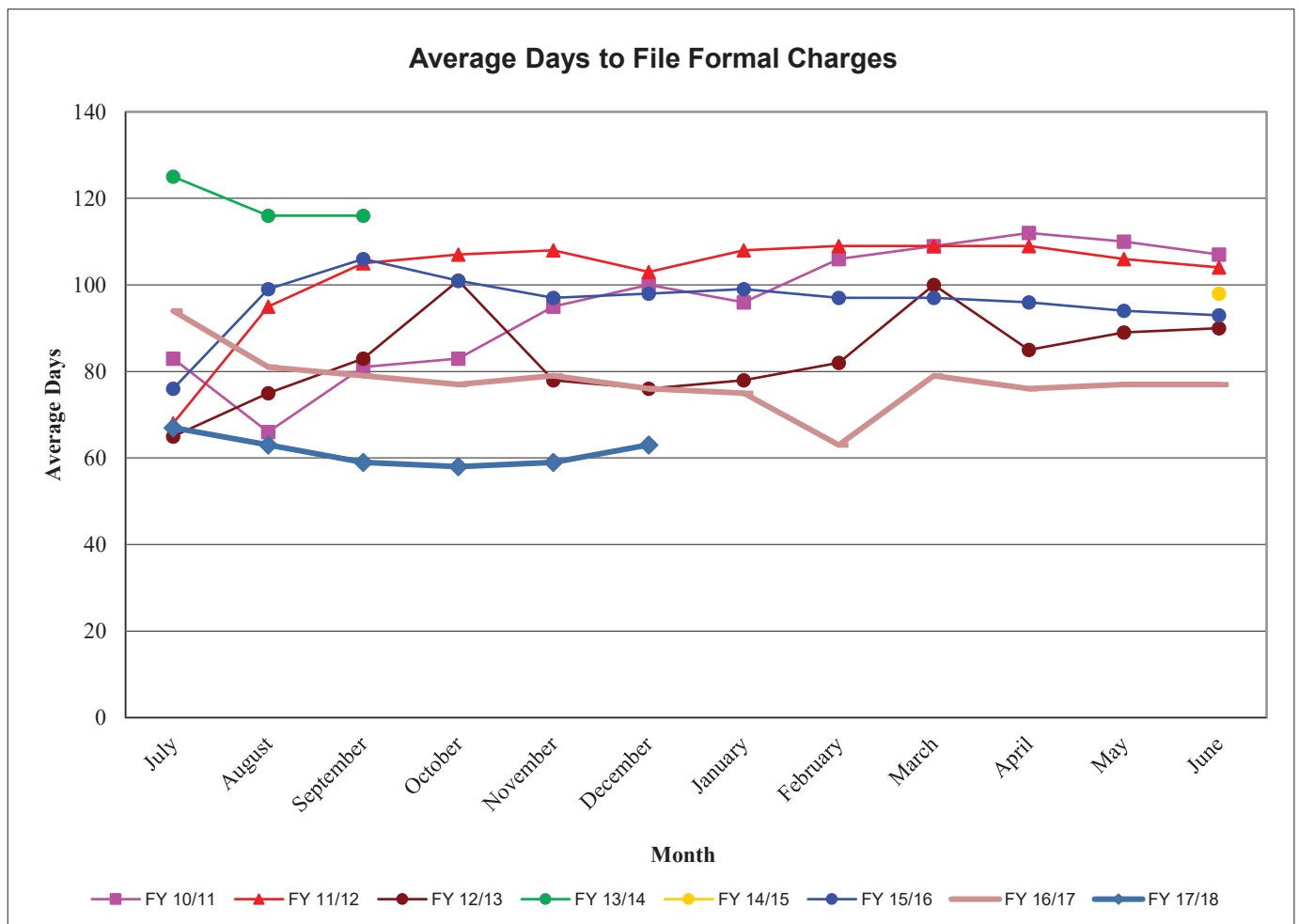
	Fiscal Year			
Month	FY 14/15	FY 15/16	FY 16/17	FY 17/18
July		578	457	514
August		514	495	512
September		449	465	520
October		449	485	537
November		453	467	526
December		453	473	530
January		433	474	
February		430	439	
March		422	462	
April		417	457	
May		423	453	
June	382	426	467	



Investigation processing days are from the date the case was assigned to HQIU investigator until closure or referral (this does not include Complaint Unit processing days for complaints completed at HQIU). This timeframe includes the Attorney General and Board review time after the investigation is completed by HQIU, which is an average of 18 days at the end of the 2nd quarter.

# **Medical Board of California Enforcement Program** **Average Days to File Administrative Charges Prepared by the** **Office of the Attorney General**

Month	Fiscal Year						
	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17
July	83	68	65	125		76	94
August	66	95	75	116		99	81
September	81	105	83	116		106	79
October	83	107	101			101	77
November	95	108	78			97	79
December	100	103	76			98	76
January	96	108	78			99	75
February	106	109	82			97	63
March	109	109	100			97	79
April	112	109	85			96	76
May	110	106	89			94	77
June	107	104	90		98	93	77

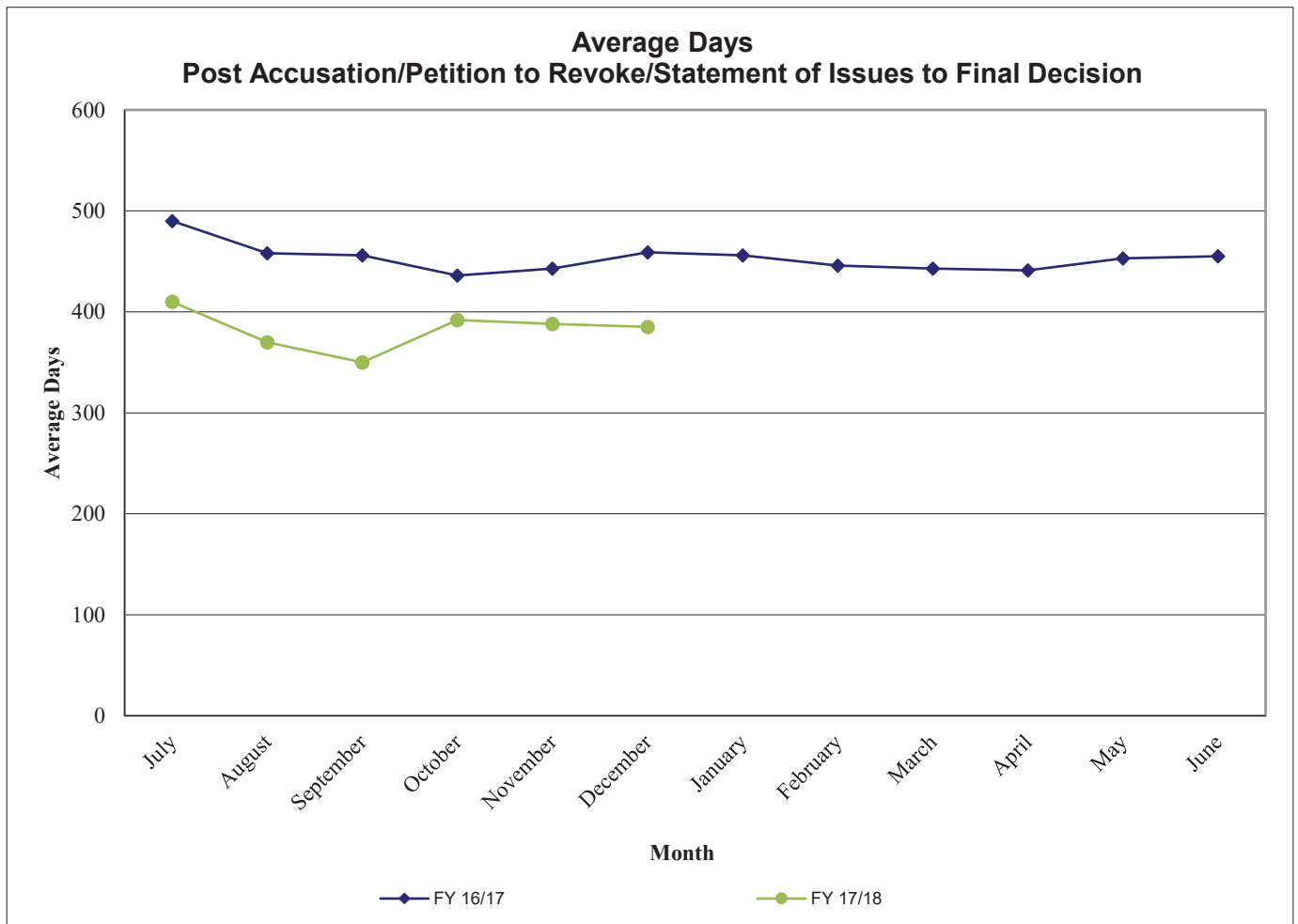


Average Days to File Formal Charges are the days from the date the case is referred to the AG's Office until formal charges are filed.



**Medical Board of California Enforcement Program**      Agenda Item 6B  
**Average Days Post Accusation/Petition to Revoke/Statement of Issues**  
**to Final Decision**

Month	Fiscal Year	
	FY 16/17	FY 17/18
July	490	410
August	458	370
September	456	350
October	436	392
November	443	388
December	459	385
January	456	
February	446	
March	443	
April	441	
May	453	
June	455	



Average Days from Accusation, Petition to Revoke or Statement of Issues filed to final decision.

## ENFORCEMENT TIMEFRAMES

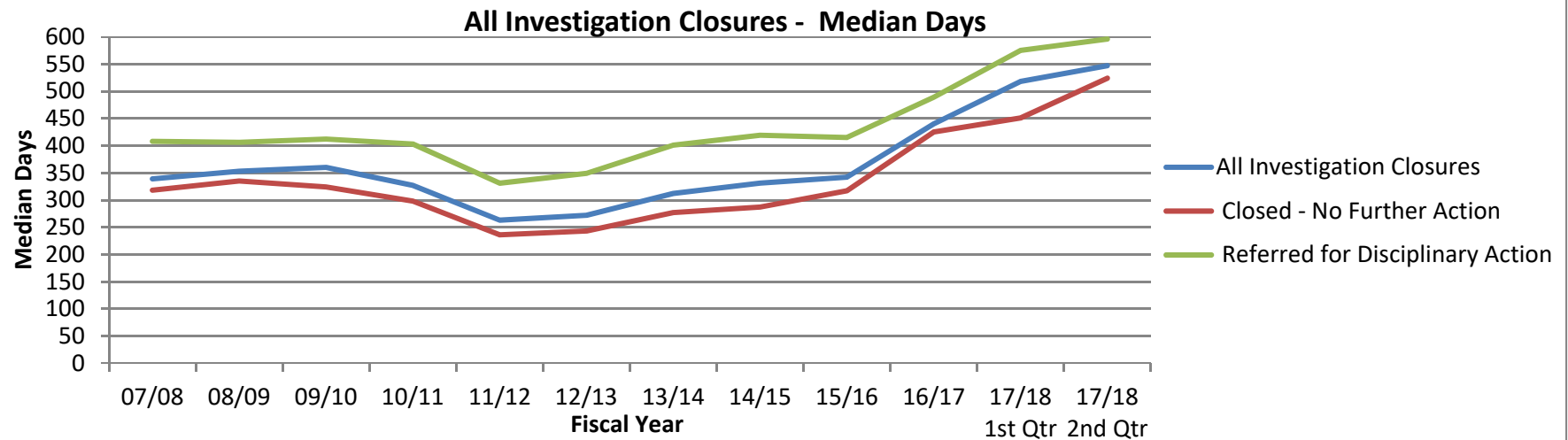
FISCAL YEARS	2009 - 2010		2010 - 2011		2011 - 2012		2012 - 2013		2013 - 2014		2014 - 2015 <sup>1</sup>		2015 - 2016		2016 - 2017		2017 - 2018 <sup>2</sup>	
	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN
COMPLAINT PROCESSING	76	63	74	77	83	64	67	54	67	43	140	113	146	119	123	89	90	53
INVESTIGATION PROCESSING - MBC-CIO											102	57	124	52	258	203	303	240
INVESTIGATION PROCESSING - HQUI											382	352	426	367	467	431	530	499
INVESTIGATION PROCESSING - ALL	328	292	312	283	264	225	268	245	245	205								
TOTAL MBC & HQUI																		
DAYS	404	355	386	360	347	289	335	299	312	248	228	150	230	155	141	104	112	62
YEARS	1.11	0.97	1.06	0.99	0.95	0.79	0.92	0.82	0.85	0.68	0.62	0.41	0.63	0.42	0.39	0.28	0.31	0.17
AG PREP FOR ACC/PTR/ACC&PTR/SOI	106	66	107	72	104	78	90	75	110	86	98	68	93	67	77	62	63	50
POST ACCUSATION/PTR/SOI	368	312	417	324	396	350	435	366	443	402	459	392	453	378	455	368	385	284
ACCUSATION DECLINED BY AG											44	23	56	31	25	14	260	260
TOTAL AG																		
DAYS	474	378	524	396	500	428	525	441	553	488	473	413	479	393	473	328	379	283
YEARS	1.30	1.04	1.44	1.08	1.37	1.17	1.44	1.21	1.52	1.34	1.30	1.13	1.31	1.08	1.30	0.90	1.04	0.78
TOTAL MBC & AG																		
DAYS	878	733	910	756	847	717	860	740	865	736	956	927	967	919	1034	1040	980	927
YEARS	2.41	2.01	2.49	2.07	2.32	1.96	2.36	2.03	2.37	2.02	2.62	2.54	2.65	2.52	2.83	2.85	2.68	2.54

Years calculated using 365 days per year

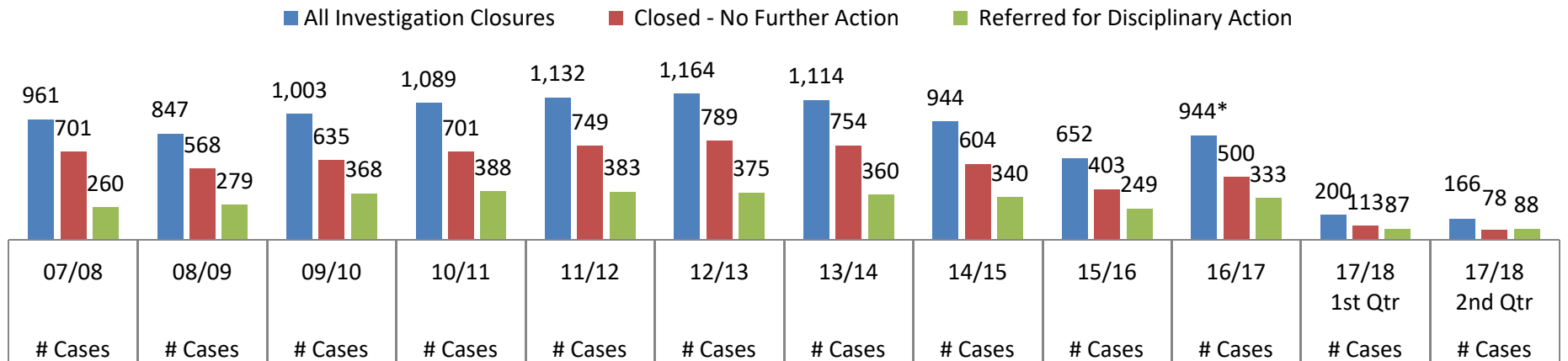
<sup>1</sup> "Total" Days prior to FY 14-15 were the averages per unit added together. Beginning in FY 14-15, reports were run that show true averages for the Total timeframes.

<sup>2</sup> Data through 12/31/17

# Vertical Enforcement/Prosecution Cases - Median Days



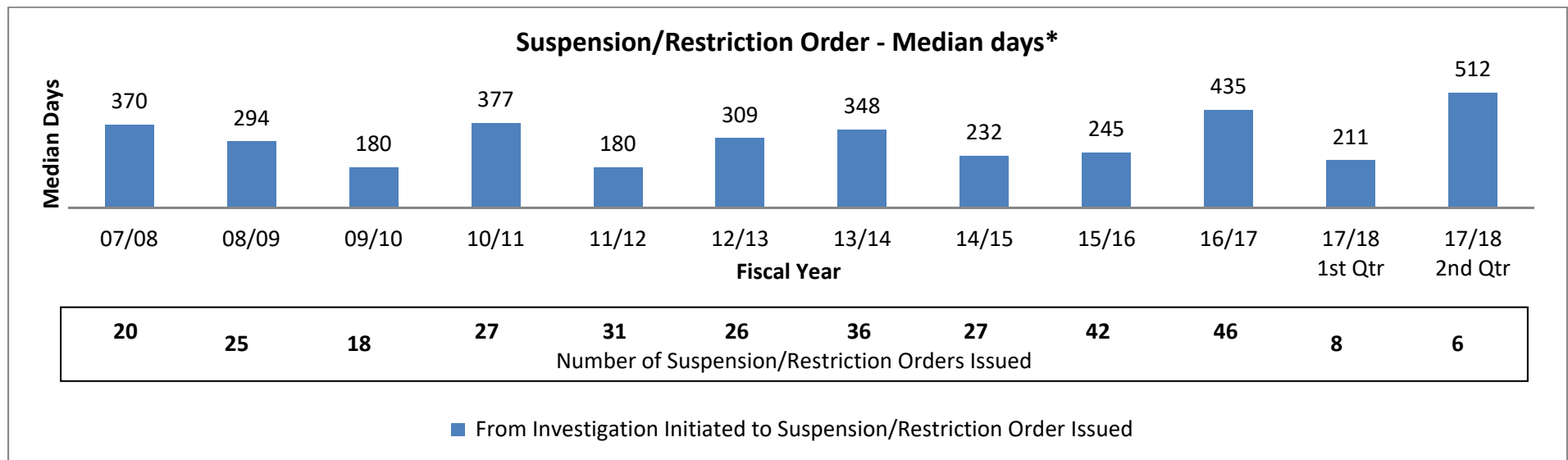
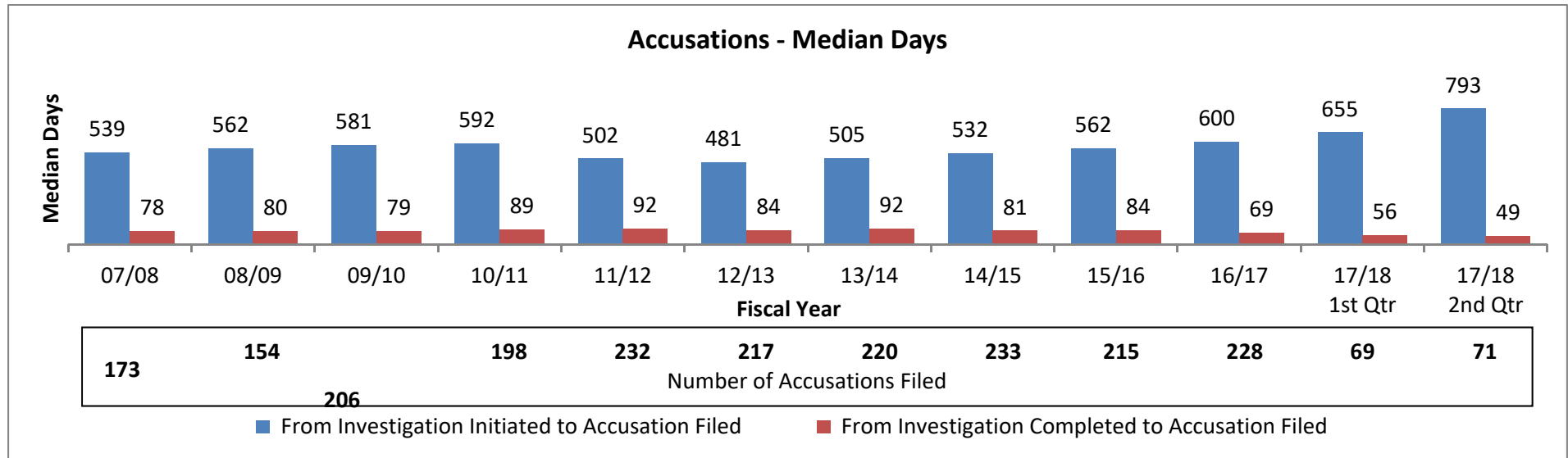
## All Investigation Closures - Number of Cases



\* This decrease is due to the Board initiating, in July 2014, a complaint investigation office of non-sworn special investigators who began investigating cases that would have been sent to HQU.

The graphs above exclude the following case types: out-of-state, headquarters, Operation Safe Medicine, probation violations, petitions for modification/termination of probation terms, and petitions for reinstatement. They also exclude all cases that were referred solely to the District/City Attorney for criminal action as they are not in VE/P.

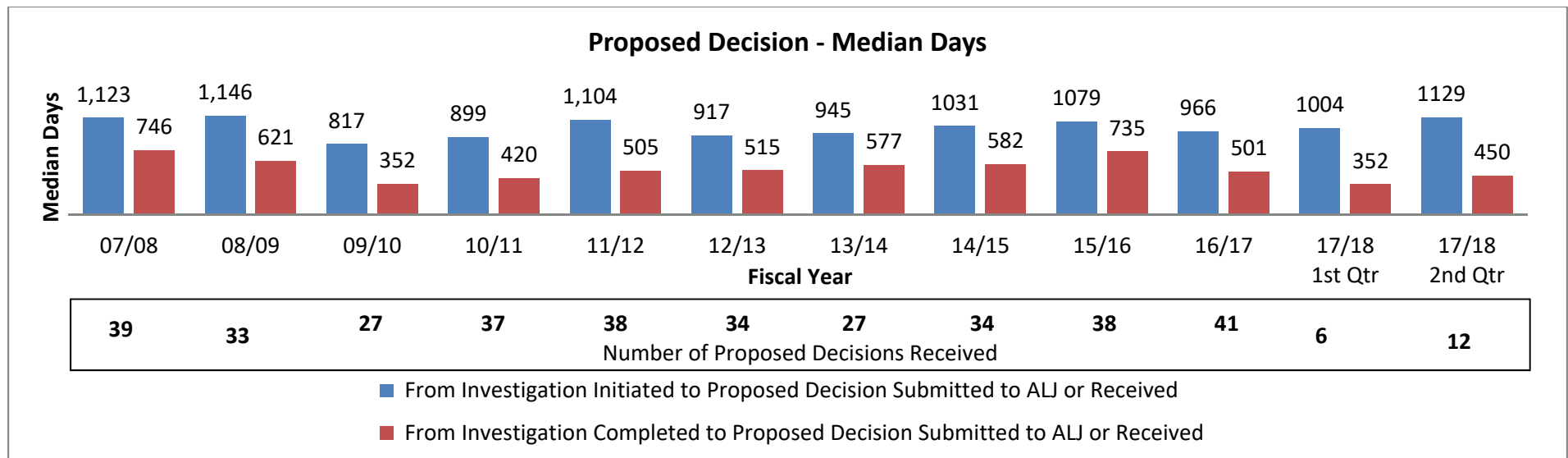
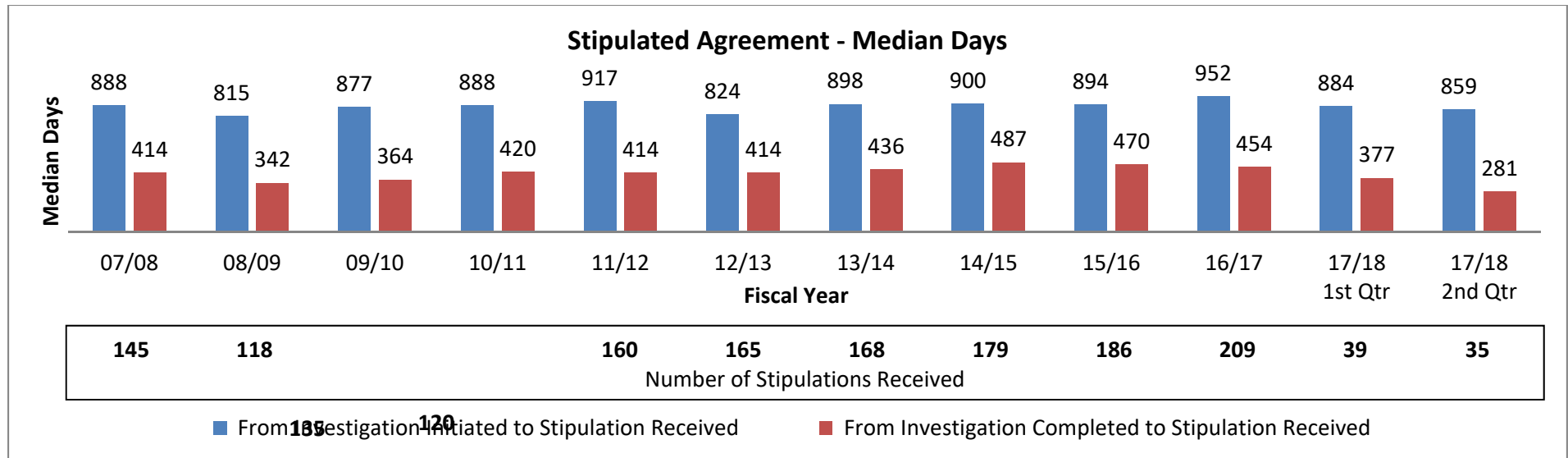
## Vertical Enforcement/Prosecution Cases - Median Days



\* This data includes: interim suspension orders, Penal Code section 23 restrictions, stipulated agreements to restrictions/suspension, and temporary restraining orders. It does not include out-of-state suspension orders, automatic suspension orders, or orders to cease practice while on probation.

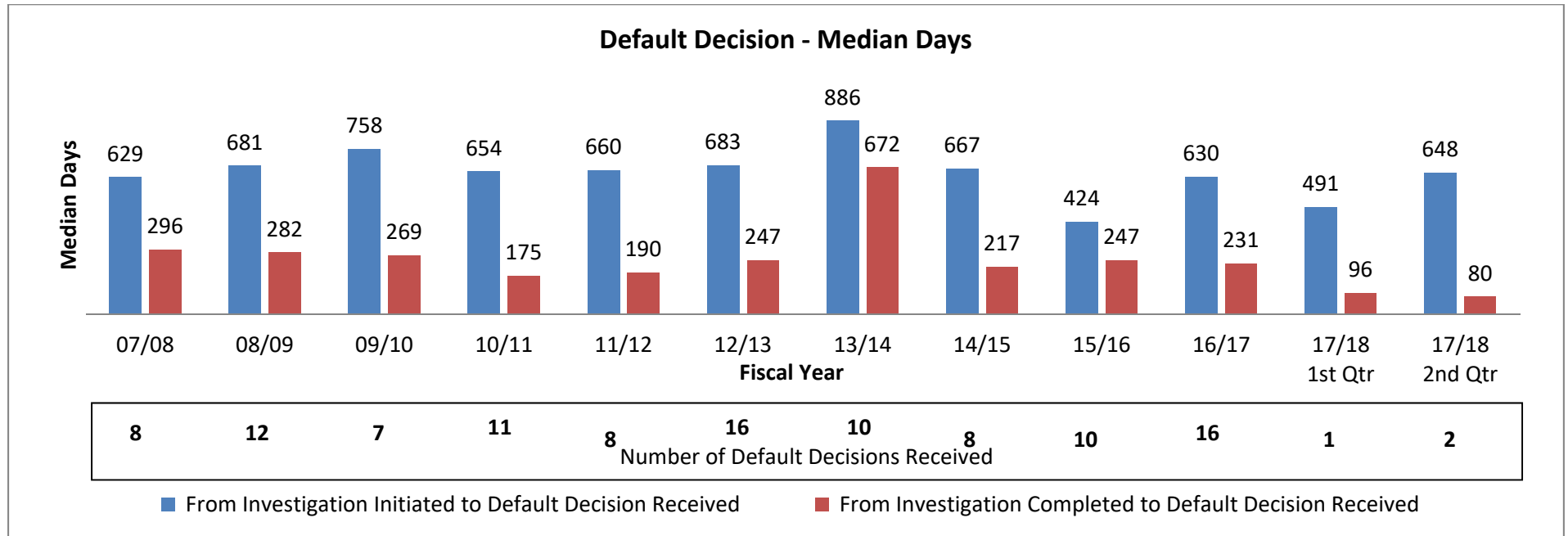
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## Vertical Enforcement/Prosecution Cases - Median Days



The graphs above exclude the following case types: out-of-state, headquarters, Operation Safe Medicine, probation violations, petitions for modification/termination of probation terms, and petitions for reinstatement. They also exclude all cases that were referred solely to the District/City Attorney for criminal action as they are not in VE/P.

## Vertical Enforcement/Prosecution Cases - Median Days



The graph above exclude the following case types: out-of-state, headquarters, Operation Safe Medicine, probation violations, petitions for modification/termination of probation terms, and petitions for reinstatement. They also exclude all cases that were referred solely to the District/City Attorney for criminal action as they are not in VE/P.