

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: April 4, 2017
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 1,124 active experts in the Board's expert database. 99 experts were utilized to review 146 cases from January 1, 2017 through March 30, 2017. **Attachment A** provides the Expert Reviewer Program statistics. Additional experts are needed in the following specialties:

- Allergy and immunology
- Addiction medicine, with added certification in family medicine, internal medicine, or psychiatry
- Colon/rectal surgery
- Dermatology
- Family medicine
- Midwife reviewers
- Neurological surgery
- Neurology
- Pain medicine
- Pathology
- Pediatric gastroenterology
- Pediatric surgery
- Pediatric cardiac surgery
- Pediatric pulmonology
- Plastic surgeons, with the following expertise: neograft hair transplant/FUE transplant and gender reassignment surgical procedure
- Psychiatry (forensic and addiction)
- Thoracic surgery (cardiac surgery)
- Urology (and urology with expertise in gender reassignment surgical procedure)
- Vascular surgery

The Expert Reviewer Program is actively searching for locations to hold two expert reviewer training sessions. The Program is planning on conducting the training in Northern and Southern California during the months of September and November, 2017.

Office of Administrative Hearing

On February 8, 2017, Ms. Kirchmeyer and Ms. Delp met with Executive staff from the Office of Administrative Hearing (OAH). The primary focus of the meeting was to disseminate the 12th Edition of the Manual of Model Disciplinary Orders and Disciplinary Guidelines and to discuss any future training needs. OAH was very appreciative of the meeting and the opportunity to discuss the guideline modifications and the training its judges receive from the Board. Presently, OAH has no specific requests for training and the Board will revisit this matter with OAH as the year progresses.

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Health Quality Enforcement Section

On February 22, 2017, Ms. Kimberly Kirchmeyer and Ms. Christina Delp met with staff from the Office of the Attorney General's Health Quality Enforcement Section (HQUES) to discuss the amendments to the 12th Edition of the Manual of Model Disciplinary Orders and Disciplinary Guidelines. The guidelines took effect on January 5, 2017, and all decisions and stipulated settlements now include the new regulatory language.

Administrative Subpoenas

At the end of April, staff from HQUES will meet with Ms. Delp to develop a process for Enforcement staff to prepare administrative subpoenas to obtain medical records related to Business and Professions Code sections 805 and 805.01 reports. By having Board staff prepare and issue the subpoenas, medical records will be obtained timelier, which will assist the investigators from the Health Quality Investigation Unit (HQIU) and attorneys from the HQUES with assessing whether the complaint requires immediate action to pursue an interim suspension order.

Central Complaint Unit:

The Central Complaint Unit (CCU) intake staff worked tirelessly this quarter to maintain a reduction in the complaint initiation timeframe. Despite being impacted by the departure of two intake staff members, the average number of days to initiate a complaint was 10 for the third quarter of fiscal year 2016/2017. This is within the timeframe mandated by Business and Professions Code section 129(b).

All CCU analysts continued to work together to reduce case aging for their respective case types. As a result, the average time to process a complaint continued to decrease and is currently at 134 days.

The CCU now has two management services technician (MST) vacancies following the promotion of one MST to fill a vacant CCU analyst position. A candidate has been selected to fill one of the positions and management is awaiting eligibility determination to hire this individual. The second MST position was advertised and interviews are expected to be conducted the week of April 24, 2017. The vacant office technician position has been filled and the employee reported to work on April 3, 2017.

Discipline Coordination Unit (DCU):

Staff in the Discipline Coordination Unit continued to focus their efforts on restoring public disciplinary documents to the Board's website to ensure compliance with Assembly Bill 1886. Since the last Enforcement Summary provided at the January 2017 Board Meeting, a retired annuitant and two student assistants continue to make progress on restoring the documents to the website.

DCU has filled a vacant associate governmental program analyst (AGPA) position and the employee reported to work on April 3, 2017. However, DCU has two staff services analyst (SSA) vacancies. Both SSA positions have been advertised and interviews will be held in April 2017.

Complaint Investigation Office

The Complaint Investigation Office (CIO) non-sworn special investigators continue to monitor a case load of approximately 54 cases. Since the last Enforcement Summary provided at the January Board meeting, CIO has closed 72 cases and has transmitted 16 cases to the Attorney General's Office – 5 malpractice, 7 criminal conviction cases, 2 petitions for reinstatement of licensure, and 2 petitions for early termination/modification of probation. The average number of days for CIO to complete an investigation is 277 days.

On March 1, 2017, staff from the HQUES provided 820 mental evaluation training to CIO staff. The training will assist CIO staff with conducting thorough investigations against physicians alleged to have been involved in domestic violence disputes.

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Probation Unit:

On February 17, 2017, staff from the Center for Personalized Education for Physicians (CPEP) met with Ms. Kirchmeyer, Ms. Delp, and managerial/supervisory staff from the Probation Unit. CPEP gave a presentation about its clinical assessment program and Board staff discussed with CPEP the changes made to the Manual of Model Disciplinary Orders and Disciplinary Guidelines related to the clinical competence assessment program condition of probation. On March 23, 2017, Ms. Kirchmeyer, Ms. Delp, and managerial/supervisory staff from the Probation Unit also met with staff from the University of California, San Diego's Physician Assessment and Clinical Education Program (PACE) to discuss the modifications made to the guidelines.

The Probation Unit filled two vacant inspector positions in the San Dimas and Glendale field offices. Both employees began employment on April 3, 2017.

The Probation Unit received approval from the Department of Consumer Affairs to advertise for two limited-term inspector III positions to fill the San Dimas and Cerritos Office supervisory positions. These positions have been vacant since 2016 due to the employees being out on extended leave. Interviews are planned for April 2017.

Probation North has one limited-term inspector vacancy that was advertised and interviews were held March 2017. A candidate was selected; however, this applicant did not meet eligibility for the position. Management is currently reviewing new applications and anticipates conducting interviews in April 2017. In addition, there is one AGPA vacancy that was advertised and interviews are scheduled to be held by May 1, 2017.

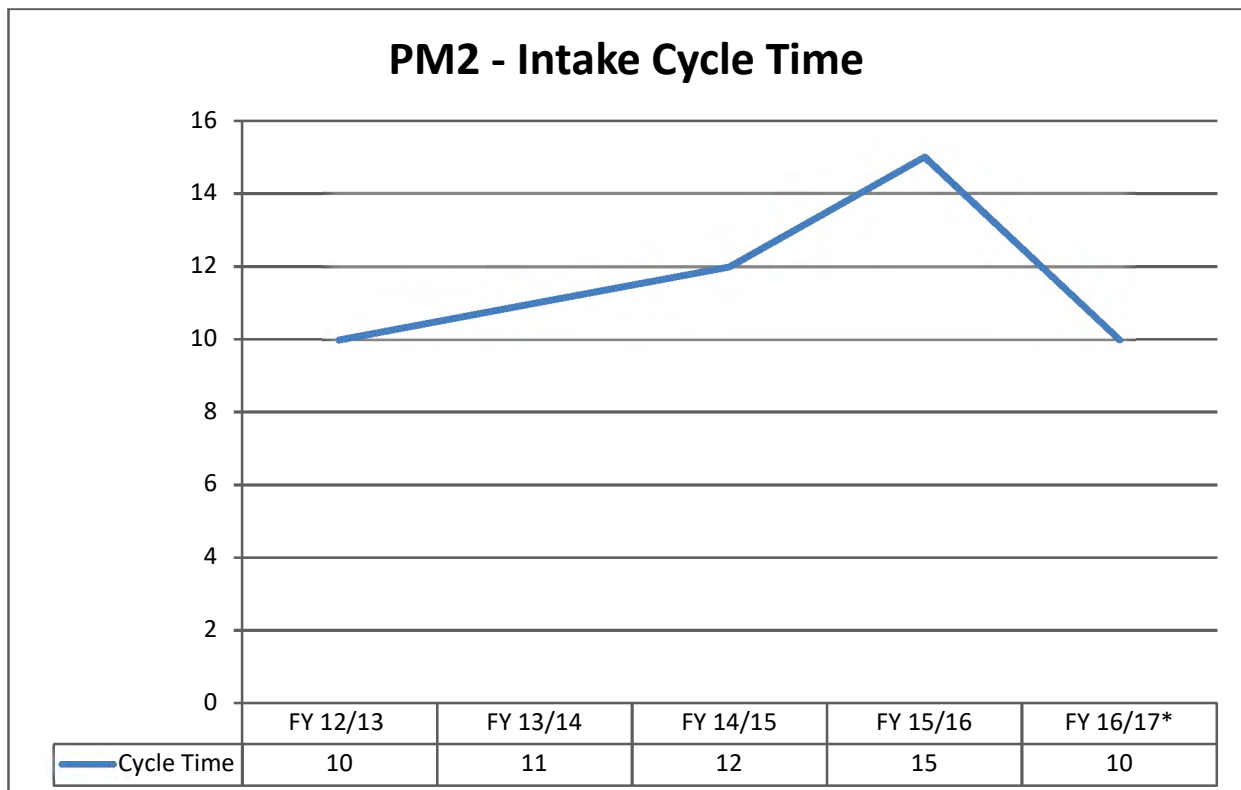
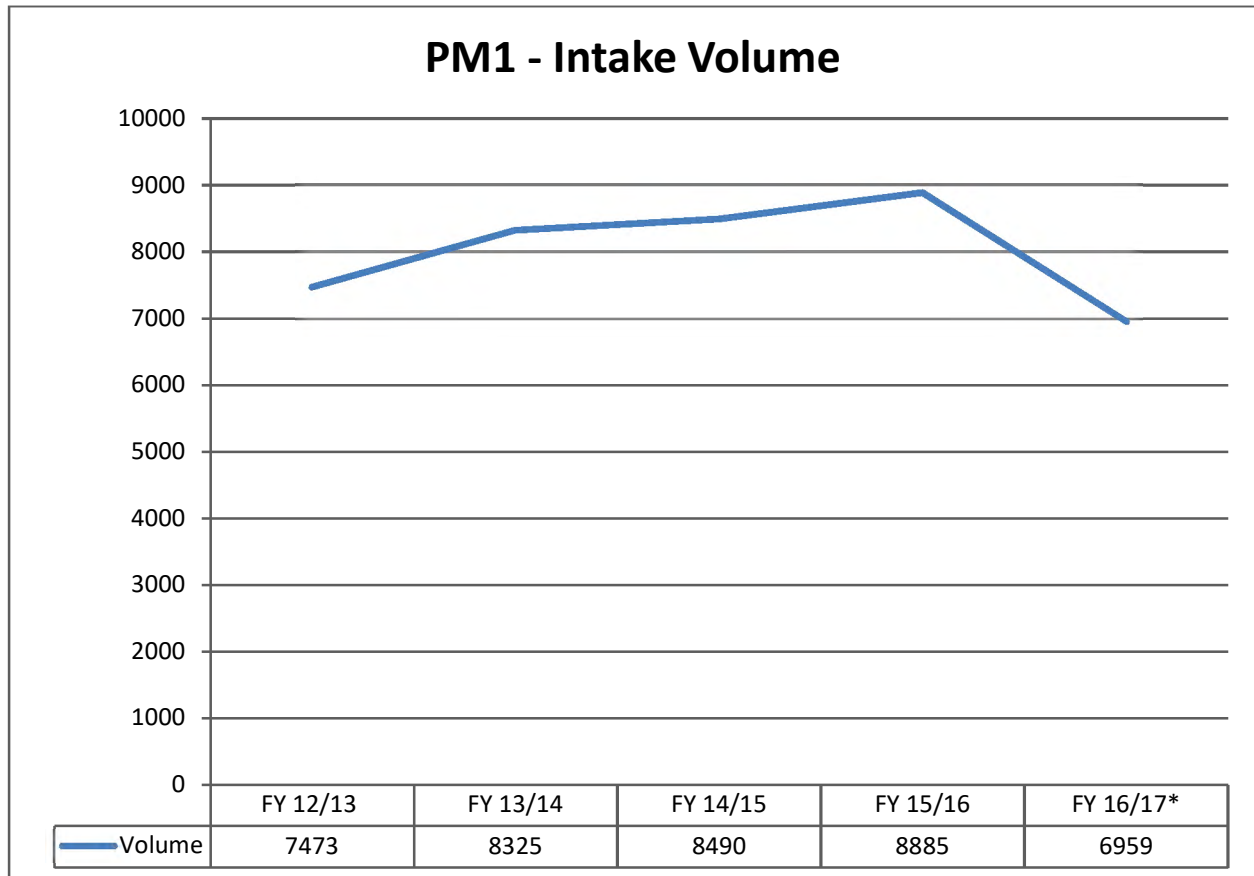
An inspector was selected by the HQIU to be a non-sworn investigator for a one-year limited term in the Valencia field office. As a result, this created a limited-term vacancy in the Probation Unit. This position was advertised and a candidate was selected pending hiring clearance.

Two additional inspectors are pending background clearance by the HQIU to be non-sworn investigators for a one-year limited term. Once clearance has been received, the Probation Unit will advertise to fill these positions.

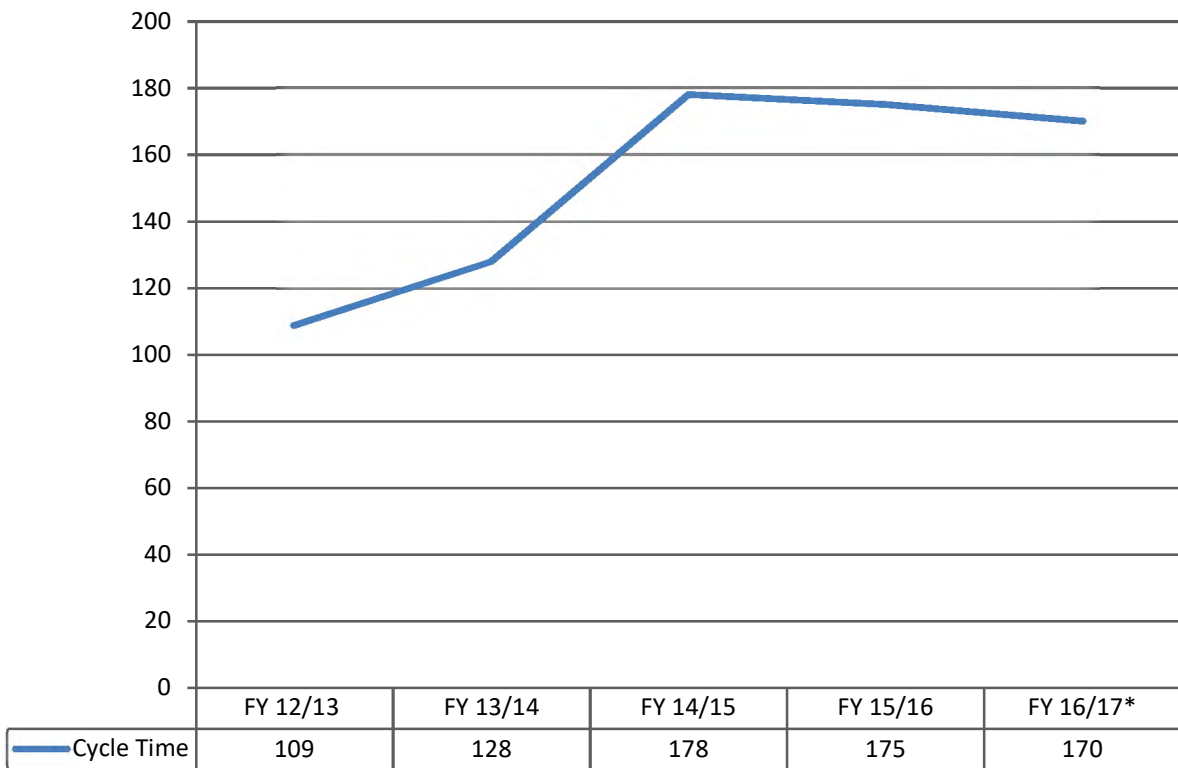
Enforcement Performance Measures

The charts below depict workload statistics regarding the number of complaints received (PM 1 includes complaints and arrest notifications), the average number of days to initiate a complaint and assign it to a desk analyst (PM 2), the average number of days it takes to complete a case that has not been transmitted to the Attorney General for disciplinary action (PM 3), and the average number of days it takes to complete a case that has been transmitted to the Attorney General's Office for disciplinary action (PM 4). PM07 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. PM08 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. Since PM07 and PM08 were implemented in July 2016, the charts only depict statistics for the first three quarters of fiscal year 2016/2017.

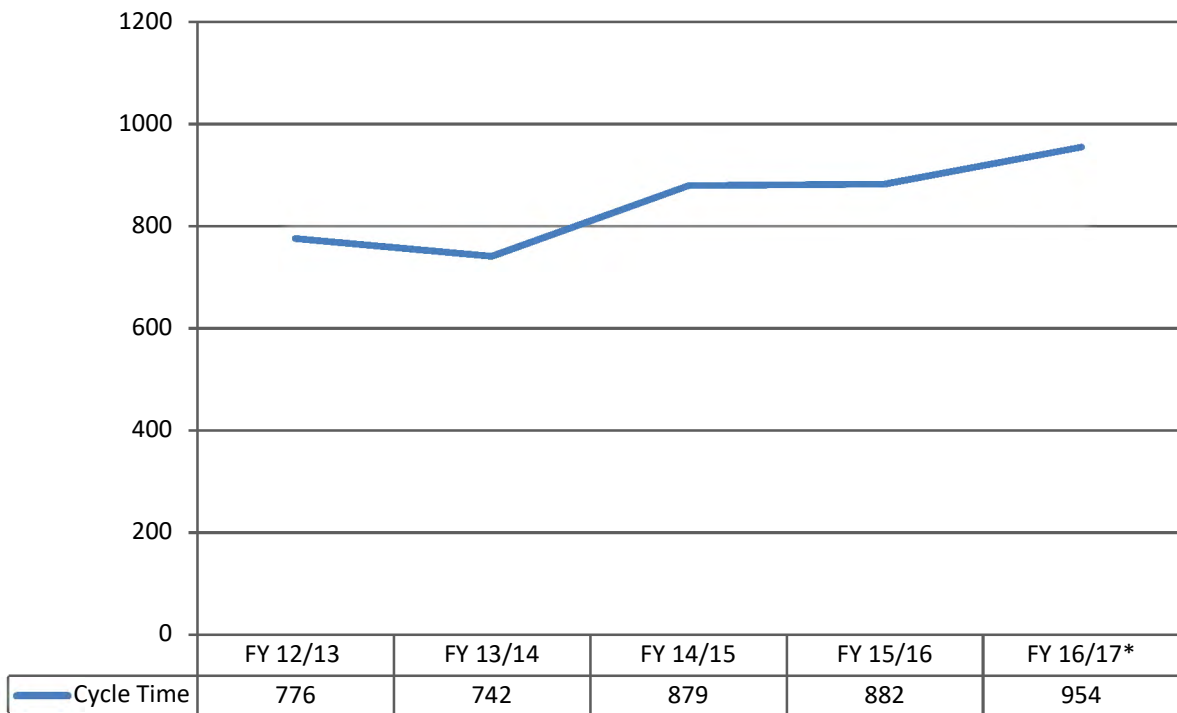
*The FY 16/17 numbers are for the time period July 1, 2016 to March 31, 2017.



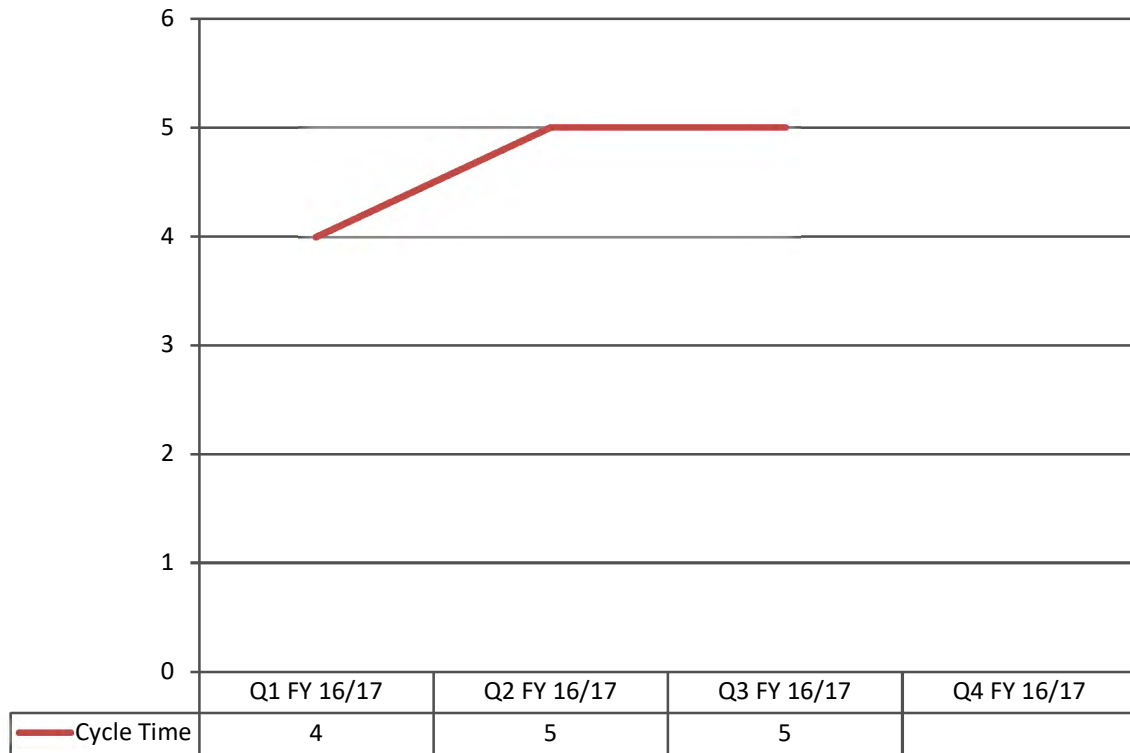
PM3 - Intake and Investigation Cycle Time



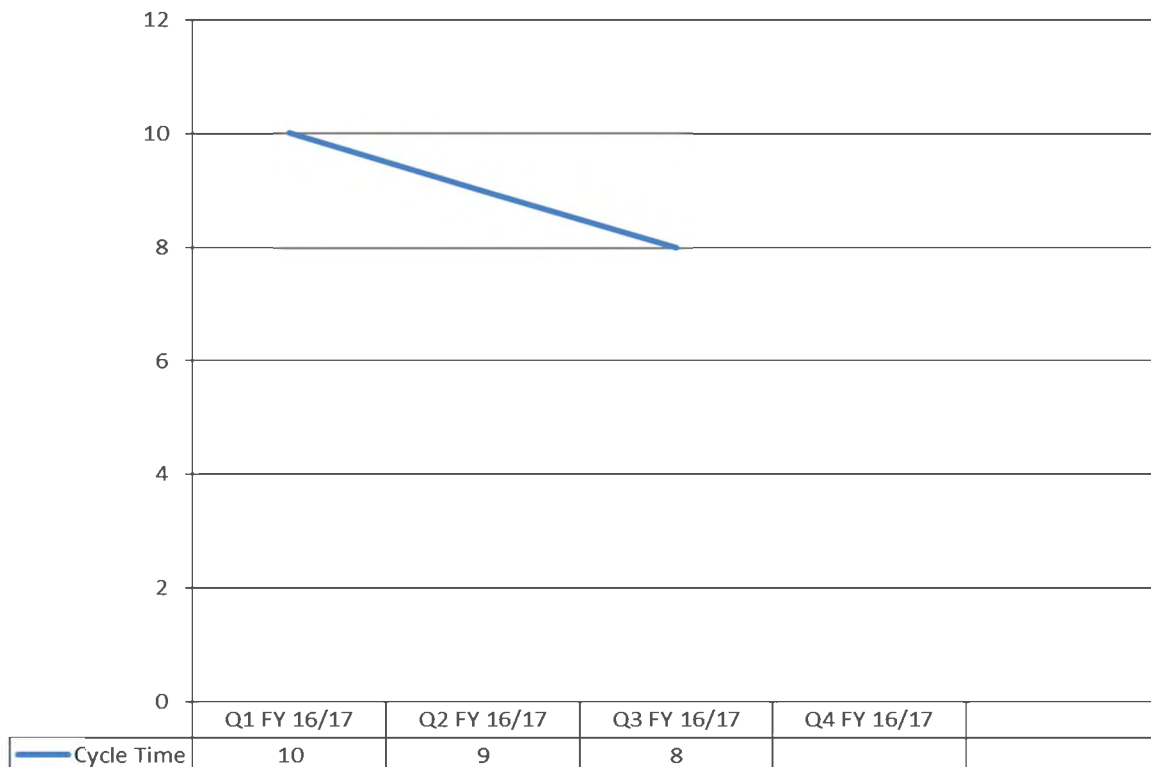
PM4 - Formal Discipline Cycle Time



PM7 - Probation Intake Cycle Time



PM8 - Probation Violation Response Cycle Time



Medical Board of California Expert Reviewer Program Report

Attachment A

March 30, 2017

SPECIALTY	Number of cases reviewed by Experts January 1 through March 30, 2017	Number of Experts and how often utilized from January 1 through March 30, 2017	Active List Experts 1,124 ↑
<i>ADDICTION</i>	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH	8 ↓
ALLERGY & IMMUNOLOGY (A&I)			3
ANESTHESIOLOGY (Anes)	1	1 EXPERT 1 LIST EXPERT	78 ↑
COLON & RECTAL SURGERY (CRS)			3
<i>COMPLEMENTARY/ALTERNATIVE MEDICINE</i>			17
DERMATOLOGY (D)	1	1 EXPERT 1 OFF LIST EXPERT	9 ↓
EMERGENCY (EM)	3	3 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE EACH	48 ↑
FAMILY (FM)	22	17 EXPERTS 15 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASES EACH 1 LIST EXPERT REVIEWED 5 CASES EACH	62 ↑
<i>HAND SURGERY</i>			12
<i>HOSPICE & PALLIATIVE MEDICINE</i>			14
INTERNAL (General Internal Med)	18	14 EXPERTS 10 LIST EXPERTS REVIEWED 1 CASE EACH 4 LIST EXPERTS REVIEWED 2 CASES EACH	155
Cardiovascular Disease (Cv)	1	1 EXPERT 1 LIST EXPERT	32 ↑
Endocrinology, Diabetes and Metabolism (EDM)			5
Gastroenterology (Ge)	5	3 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 3 CASES	18 ↓

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

Attachment A

March 30, 2017

SPECIALTY	Number of cases reviewed by Experts January 1 through March 30, 2017	Number of Experts and how often utilized from January 1 through March 30, 2017	Active List Experts 1,124 ↑
Infectious Disease (Inf)			8
Medical Oncology (Onc)			11
Nephrology (Nep)			12
Pulmonary Disease (Pul)			16
Rheumatology (Rhu)			6
MIDWIFE REVIEWER			7
NEUROLOGICAL SURGERY (NS)	2	1 EXPERT 1 LIST EXPERT REVIEWED 2 CASES	10
NEUROLOGY (N)	7	4 EXPERTS 1 LIST EXPERT REVIEWED 1 CASE 3 LIST EXPERTS REVIEWED 2 CASES EA CH	24 ↑
NEUROLOGY with Special Qualifications in Child Neurology (N/ChiN)			2
NUCLEAR MEDICINE (NuM)			3
OBSTETRICS & GYNECOLOGY (ObG)	11	6 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 4 CASES	75
OCCUPATIONAL MEDICINE			8
OPHTHALMOLOGY (Oph)			27
ORTHOPAEDIC SURGERY (OrS)	7	6 EXPERTS 1 OFF LIST EXPERT REVIEWED 1 CASE 4 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 3 CASES	31
OTOLARYNGOLOGY (Oto)			19

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

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March 30, 2017

SPECIALTY	Number of cases reviewed by Experts January 1 through March 30, 2017	Number of Experts and how often utilized from January 1 through March 30, 2017	Active List Experts 1,124 ↑
PAIN MEDICINE (PM)	8	6 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE EACH 2 LIST EXPERTS REVIEWED 2 CASES EACH	24
PATHOLOGY (Path)			12
PEDIATRICS (Ped)	1	1 EXPERT 1 LIST EXPERT	48 ↑
Neonatal-Perinatal Medicine (NP)			8
Pediatric Cardiology (Cd)			5
Pediatric Emergency Medicine (PEM)			3
Pediatric Endocrinology (En)			1
Pediatric Gastroenterology (Ge)			5
Pediatric Hematology-Oncology (HO)			3
Pediatric Infectious Diseases (Inf)			4
Pediatric Nephrology (Ne)			2
Pediatric Pulmonology (Pul)			0
Pediatric Rheumatology (Rhu)			0
PHYSICAL MEDICINE & REHABILITATION (PMR)			11
PLASTIC SURGERY (PIS)	10	7 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE EACH 3 LIST EXPERTS REVIEWED 2 CASES EACH	47 ↑
PSYCHIATRY (Psync) *THIS EXPERT PERFORMED 4 EVALUATIONS AND ONLY 2 CASE REVIEWS.	40	18 EXPERTS 9 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASES 4 LIST EXPERTS REVIEWED 3 CASES EACH 3 LIST EXPERTS REVIEWED 4 CASES EACH 1 LIST EXPERT REVIEWED 6 CASES*	74 ↑

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

Attachment A

March 30, 2017

SPECIALTY	Number of cases reviewed by Experts January 1 through March 30, 2017	Number of Experts and how often utilized from January 1 through March 30, 2017	Active List Experts 1,124 ↑
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RADIOLOGY (Rad)	4	3 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASES	33 ↑
SLEEP MEDICINE (S)			8
SURGERY (S)	5	4 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES	36 ↑
Pediatric Surgery (PdS)			2
VASCULAR SURGERY (VascS)	2	1 EXPERT 1 LIST EXPERT REVIEWED 2 CASES	7
THORACIC SURGERY (TS)	1	1 EXPERT 1 LIST EXPERT	12
Pediatric Cardiothoracic Surgery			0
(MEDICAL) TOXICOLOGY [Emergency]			6
UROLOGY (U)	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH	16 ↑

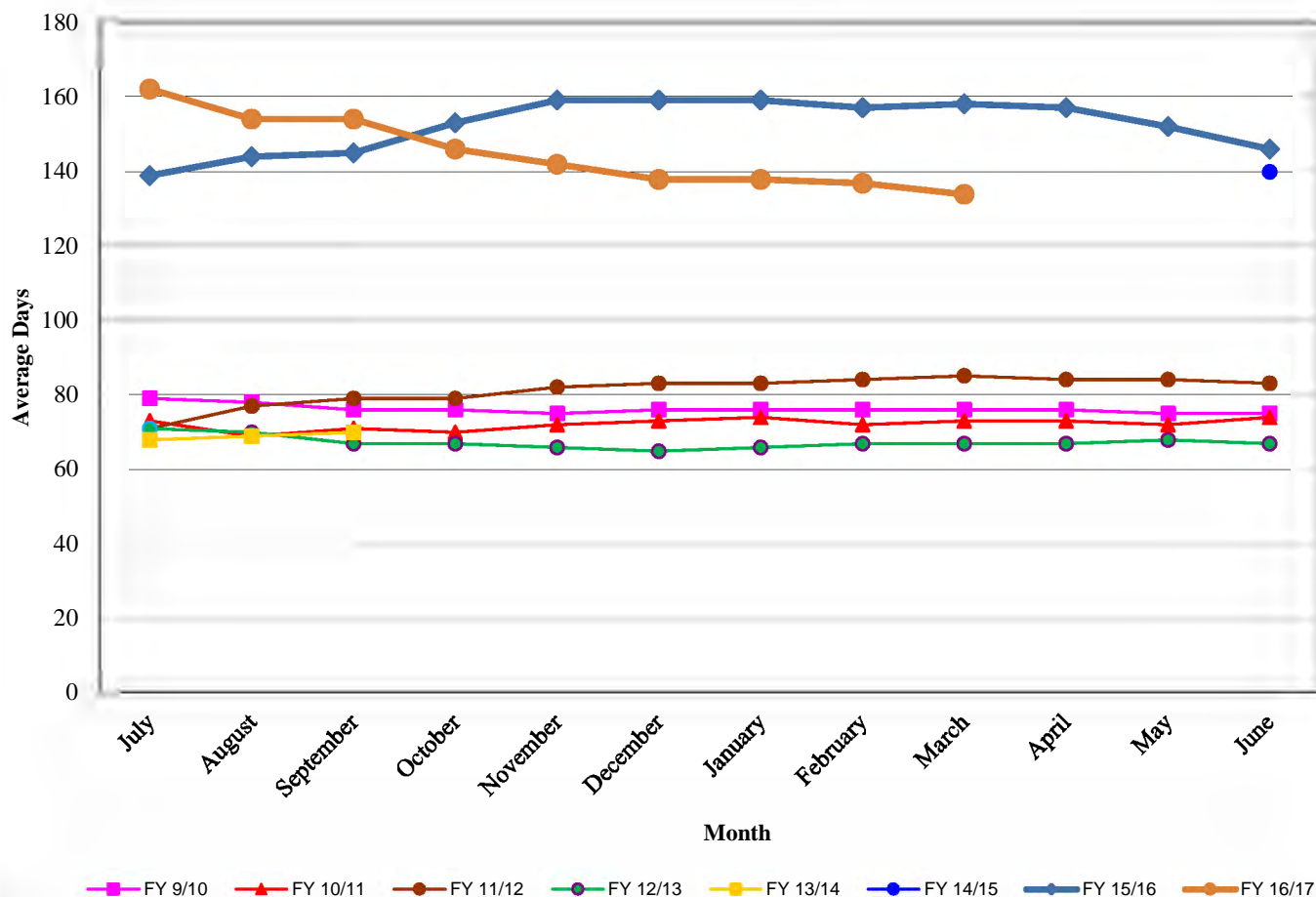
TOTAL CASES REVIEWED (January 1 through March 30, 2017)	146
TOTAL EXPERTS UTILIZED (January 1 through March 30, 2017)	99
TOTAL LIST EXPERTS	1,124

↓↑ 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 9/10	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16
July	79	73	71	71	68		139
August	78	69	77	70	69		144
September	76	71	79	67	70		145
October	76	70	79	67			153
November	75	72	82	66			159
December	76	73	83	65			159
January	76	74	83	66			159
February	76	72	84	67			157
March	76	73	85	67			158
April	76	73	84	67			157
May	75	72	84	68			152
June	75	74	83	67		140	146

Average Days to Complete Complaints in Complaint Unit



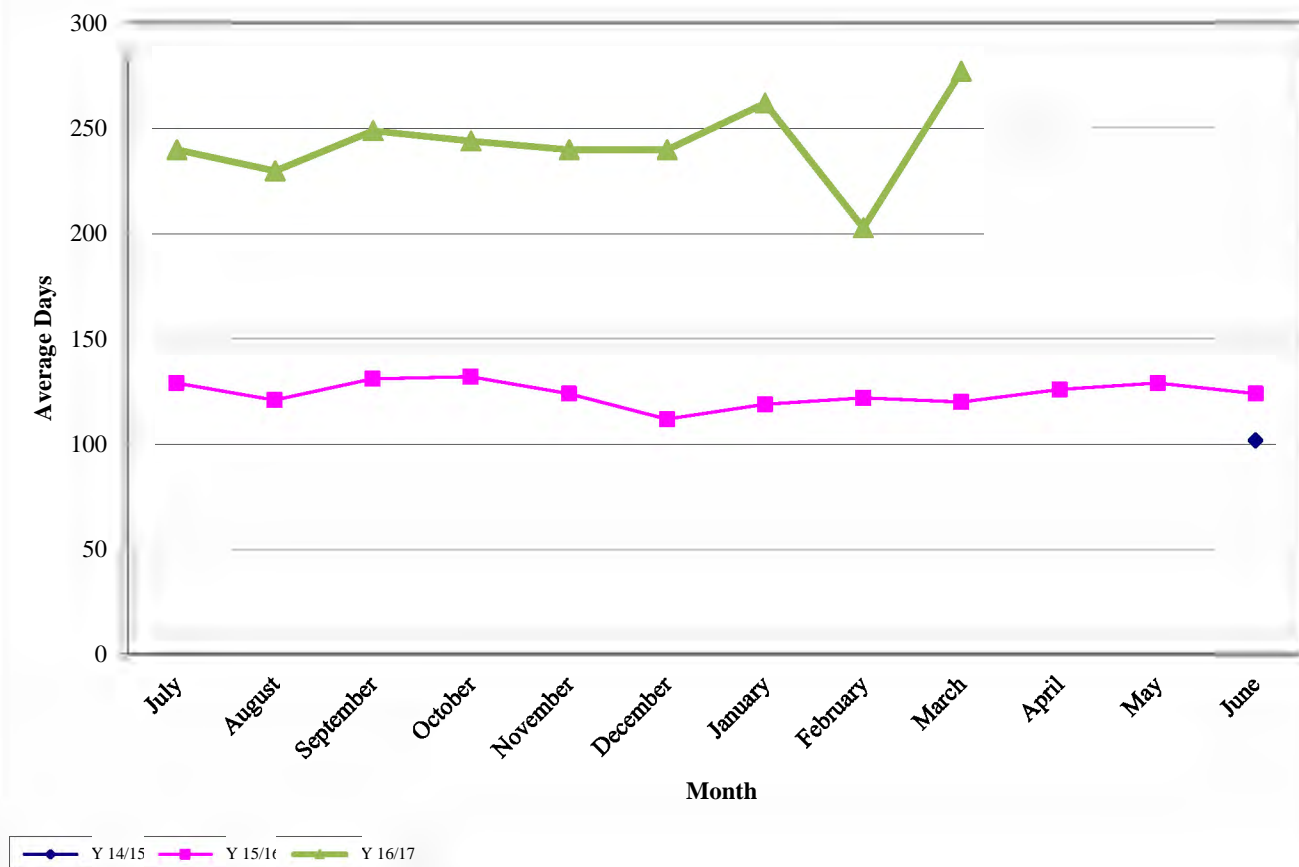
Average Days to Complete Complaints in Complaint Unit includes complaints resolved by Complaint Unit and Complaint Unit processing days for cases completed at field investigation.

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
July		129	240
August		121	230
September		131	249
October		132	244
November		124	240
December		112	240
January		119	262
February		122	203
March		120	277
April		126	
May		129	
June	102	124	

Average Days to Complete Investigations In Complaint Investigations Office

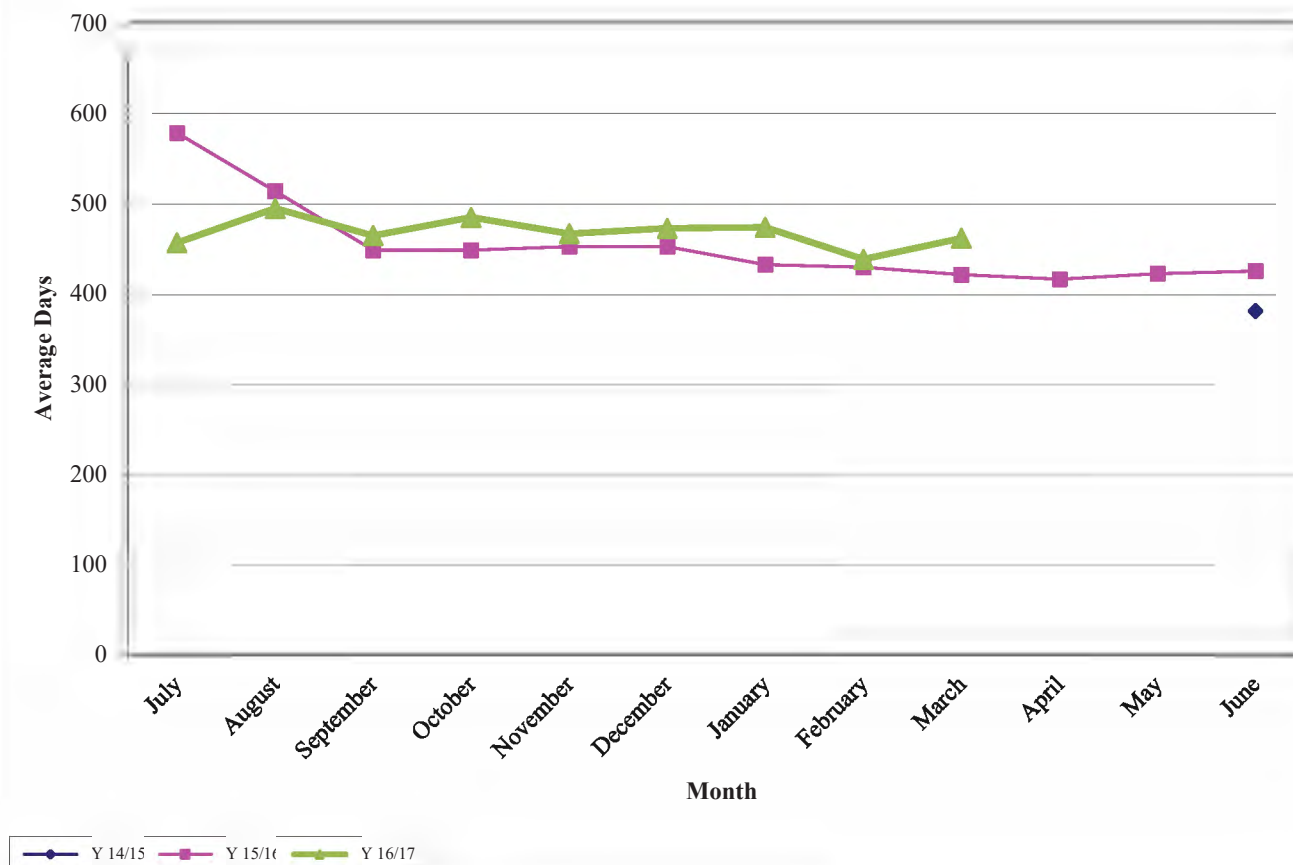


Investigation processing days are from the date case was assigned to Complaint Investigation Office (CIO) Investigator by Complaint Unit until closure or referral (does not include Complaint Unit processing days for complaints completed at CIO).

Medical Board of California Enforcement Program Average Days to Complete Investigations in HQIU (Amended)

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

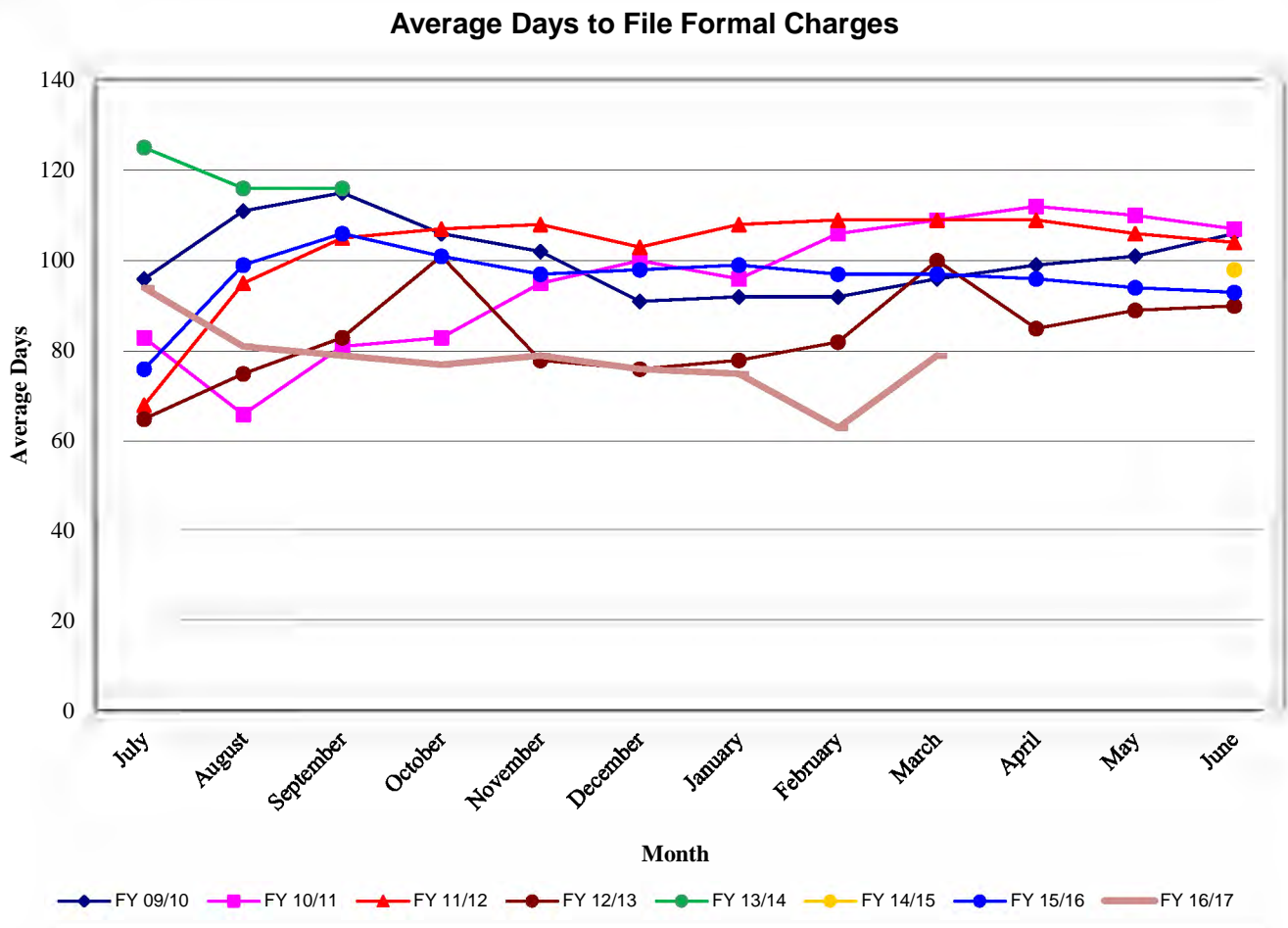
Average Days to Complete Investigations In HQIU



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

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

Month	Fiscal Year							
	FY 09/10	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17
July	96	83	68	65	125		76	94
August	111	66	95	75	116		99	81
September	115	81	105	83	116		106	79
October	106	83	107	101			101	77
November	102	95	108	78			97	79
December	91	100	103	76			98	76
January	92	96	108	78			99	75
February	92	106	109	82			97	63
March	96	109	109	100			97	79
April	99	112	109	85			96	
May	101	110	106	89			94	
June	106	107	104	90		98	93	



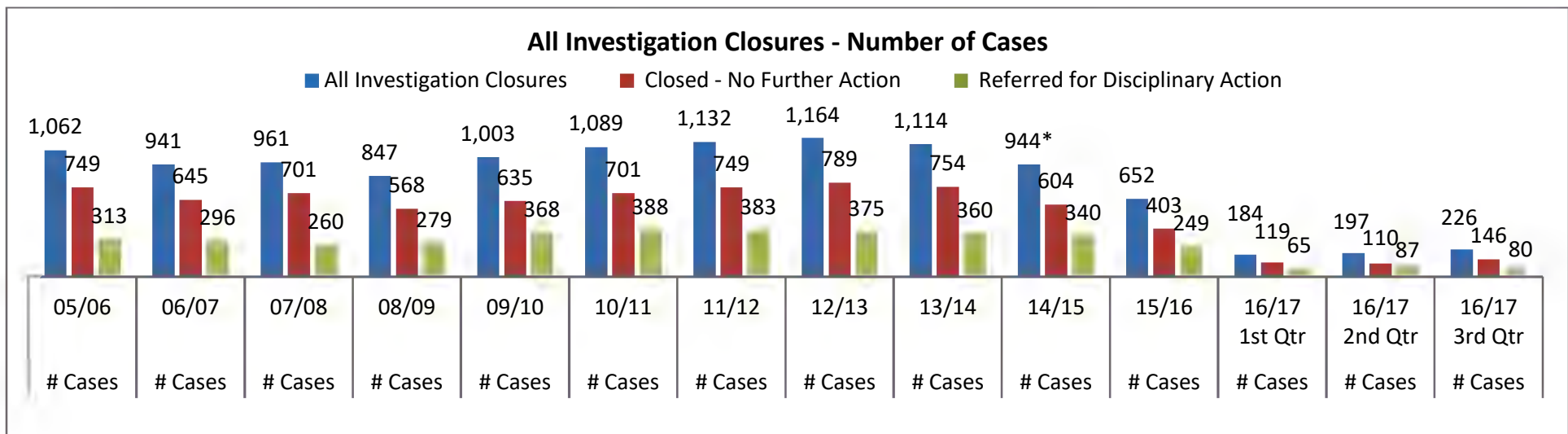
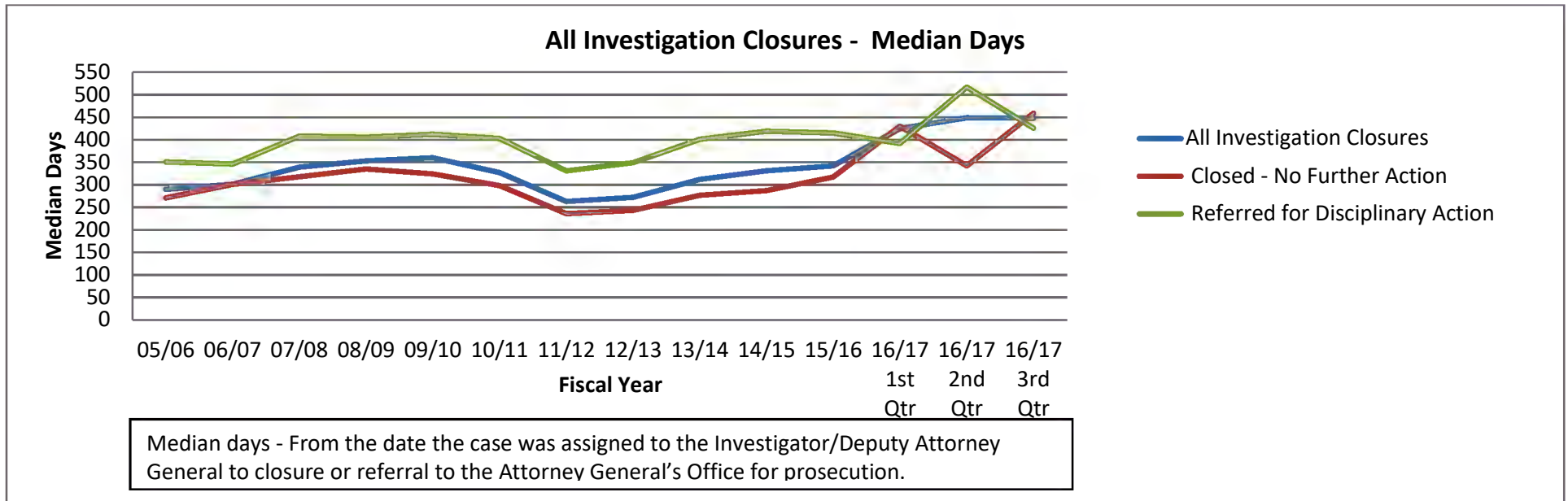
Average Days to File Formal Charges are the days from the date the case is referred to the AG's Office until formal charges are filed.

ENFORCEMENT TIMEFRAMES (Amended)

FISCAL YEARS	2008 - 2009		2009 - 2010		2010 - 2011		2011 - 2012		2012 - 2013		2013 - 2014		2014 - 2015 ¹		2015 - 2016 ¹		2016 - 2017 ²	
	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN
COMPLAINT PROCESSING	75	63	76	63	74	77	83	64	67	54	67	43	140	113	146	119	134	104
INVESTIGATION PROCESSING - MBC-CIO													102	57	124	52	277	210
INVESTIGATION PROCESSING - HQIU													382	352	426	367	462	431
INVESTIGATION PROCESSING - ALL	349	309	328	292	312	283	264	225	268	245	245	205						
TOTAL MBC & HQIU																		
DAYS	424	372	404	355	386	360	347	289	335	299	312	248	228	150	230	155	152	118
YEARS	1.16	1.02	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	0.42	0.32
AG PREP FOR ACC/PTR/ACC&PTR/SOI	103	63	106	66	107	72	104	78	90	75	110	86	98	68	93	67	79	63
POST ACCUSATION/PTR/SOI	381	311	368	312	417	324	396	350	435	366	443	402	459	392	453	378	443	380
ACCUSATION DECLINED BY AG													44	23	56	31	41	41
TOTAL AG																		
DAYS	484	374	474	378	524	396	500	428	525	441	553	488	473	413	479	393	456	392
YEARS	1.33	1.02	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	1.25	1.07
TOTAL MBC & AG																		
DAYS	908	746	878	733	910	756	847	717	860	740	865	736	956	927	967	919	1011	1037
YEARS	2.49	2.04	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	2.77	2.84

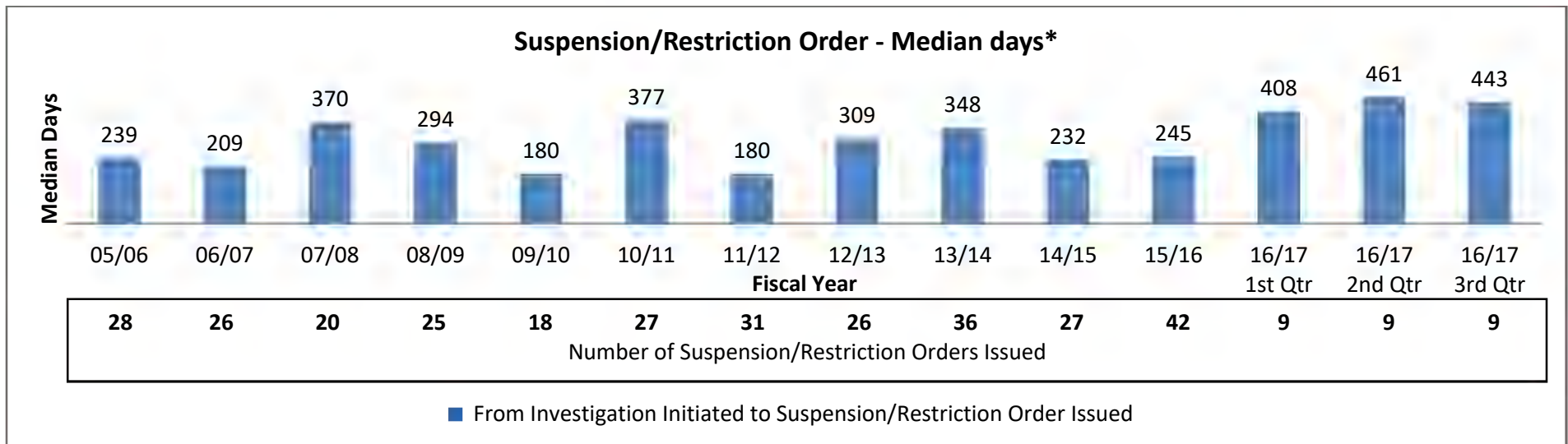
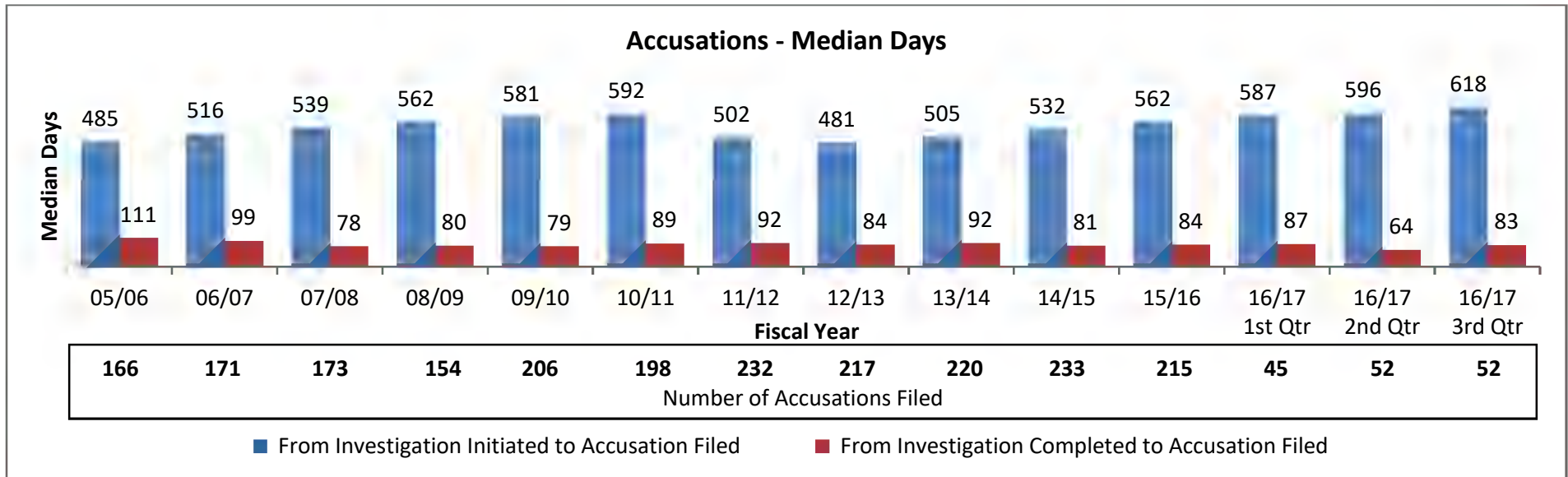
Years calculated using 365 days per year

¹ "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.² Data through 3/31/17



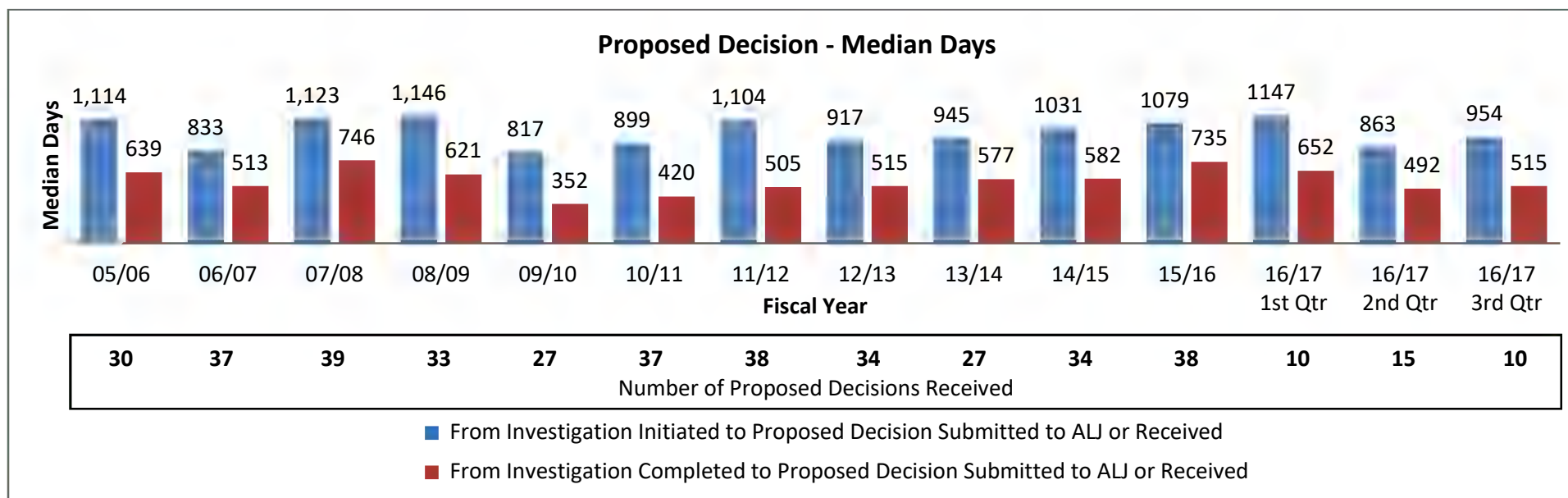
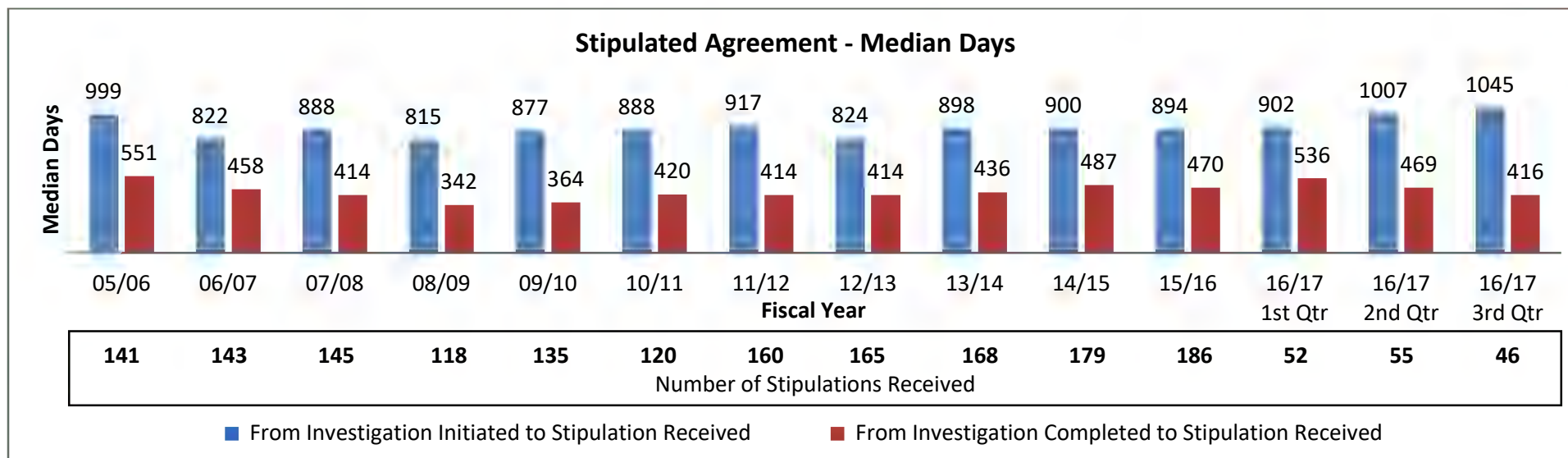
* This decrease is due to the Board initiating, in July 2014, a complaint investigation office of non-sworn special investigators who began investigating cases that would have been sent to HQIU.

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.

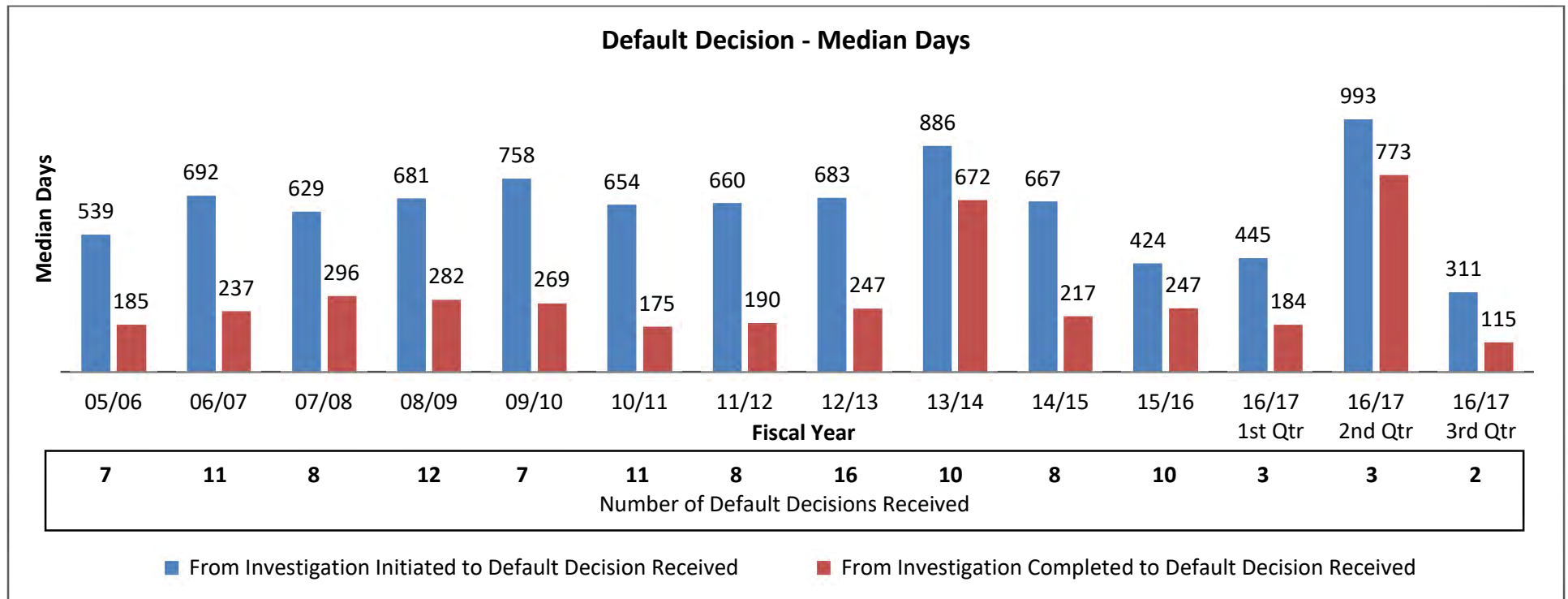


* This data includes: interim suspension orders, Penal Code section 23 restrictions, stipulated agreements to restrictions/suspension, and temporary restraining orders. It does not include out-of-state suspension orders, automatic suspension orders, or orders to cease practice while on probation.

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