

**MEDICAL BOARD STAFF REPORT**

DATE REPORT ISSUED: October 10, 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 906 active experts in the Board's expert database. This number is lower by approximately 225 experts since reported in the July 2017 Enforcement Program Summary. The decrease in the number of experts is due to the transfer of data from the old expert database to the Board's new database. Staff analyzed the information and determined some data was no longer pertinent. For example, some experts have retired, moved out of state or, no longer meet program requirements (do not have current board certification, have reduced practice hours, or now have complaint or disciplinary history, which dismisses the licensee from being an expert). Additionally, to coincide with most Board reports, the program's Expert Reviewer Program Report (**Attachment A**) will now be reported based on the fiscal year timeframe instead of a calendar year timeframe. Therefore, 84 experts were utilized to review 102 cases from July 1, 2017 through September 30, 2017. 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
- Midwife reviewers
- Neurological surgery
- Neurology
- Pain medicine
- Pathology (preferably from the following counties: Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, and Ventura)
- Pediatric gastroenterology
- Pediatric surgery
- Pediatric cardiac surgery
- Pediatric pulmonology
- 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 urologist with expertise in gender reassignment surgical procedure)
- Vascular surgery

Expert reviewer training was held on September 28, 2017, in Sacramento, California. Those in attendance commented that the course was excellent, speakers were outstanding, and the exercises provided were

great. A second expert reviewer training session is scheduled for November 2, 2017, in Sylmar, California and approximately 50 individuals are expected to attend.

On September 14, 2017, staff attended the Academy of Family Physicians Los Angeles Chapter Meeting. Staff gave a recruitment presentation about the Expert Reviewer Program.

A prototype of a midwife expert reviewer brochure was drafted and is being finalized by the Department of Consumer Affairs' (DCA) Office of Publications, Design and Editing. This brochure will be distributed to attendees of the Midwives Alliance of North America (MANA) Educational Conference on November 3, 2017, in Long Beach, California. Staff will be attending this conference as a recruitment event to encourage more midwives to become expert reviewers.

#### Central Complaint Unit:

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

CCU analysts had continued success in reducing the aging of all case types. As a result, the average time to process a complaint decreased and is currently at 93 days.

CCU management filled the four vacancies mentioned in the previous Enforcement Summary. Both Associate Governmental Program Analyst (AGPA) positions were filled by internal candidates who received promotions. One employee began her new assignment on August 2, 2017, and the other employee started working his new job on October 2, 2017. The two Staff Services Analyst (SSA) positions approved via a budget change proposal were filled by external candidates and both reported to work on October 2, 2017. CCU currently has two vacant SSA positions left by the staff promotions. Those positions have been advertised and interviews are expected to take place in November.

#### Discipline Coordination Unit:

The Discipline Coordination Unit (DCU) conducted interviews for its remaining SSA vacancy. A candidate was selected and a tentative offer was made pending hiring clearance. It is anticipated this individual will begin employment in November 2017. In September, a Management Services Technician retired and the vacancy has been advertised and interviews are scheduled to be held during October 2017. Due to an extended leave of absence, the Office Technician position is being advertised for a Limited-Term position and interviews for this position will also be held in October 2017.

#### Complaint Investigation Office

The Complaint Investigation Office (CIO) non-sworn Special Investigators continue to monitor a case load of approximately 48 cases. Since the last Enforcement Summary, CIO has closed 68 cases and has transmitted 24 cases to the Attorney General's Office (AGO) – 13 malpractice cases, 7 criminal conviction cases, and 4 Petitions for Reinstatement of licensure. Of the 7 criminal conviction cases transmitted to the AGO, staff also requested for the AGO to pursue a PC 23 or an Interim Suspension Order on two of the cases. CIO's average case processing timeframe to complete an investigation is 336 days (this number includes all case types: malpractice cases, criminal conviction cases and Petitions for Reinstatement of licensure). The CIO is fully staffed.

Probation Unit:

The Limited Term Inspector vacancy for Cerritos was filled and the employee began employment on August 28, 2017. The Inspector III position at the Cerritos Office is still vacant and this position was readvertised.

The Inspector vacancy for San Diego was advertised and interviews were held September 2017. A candidate was selected and is pending hiring approval.

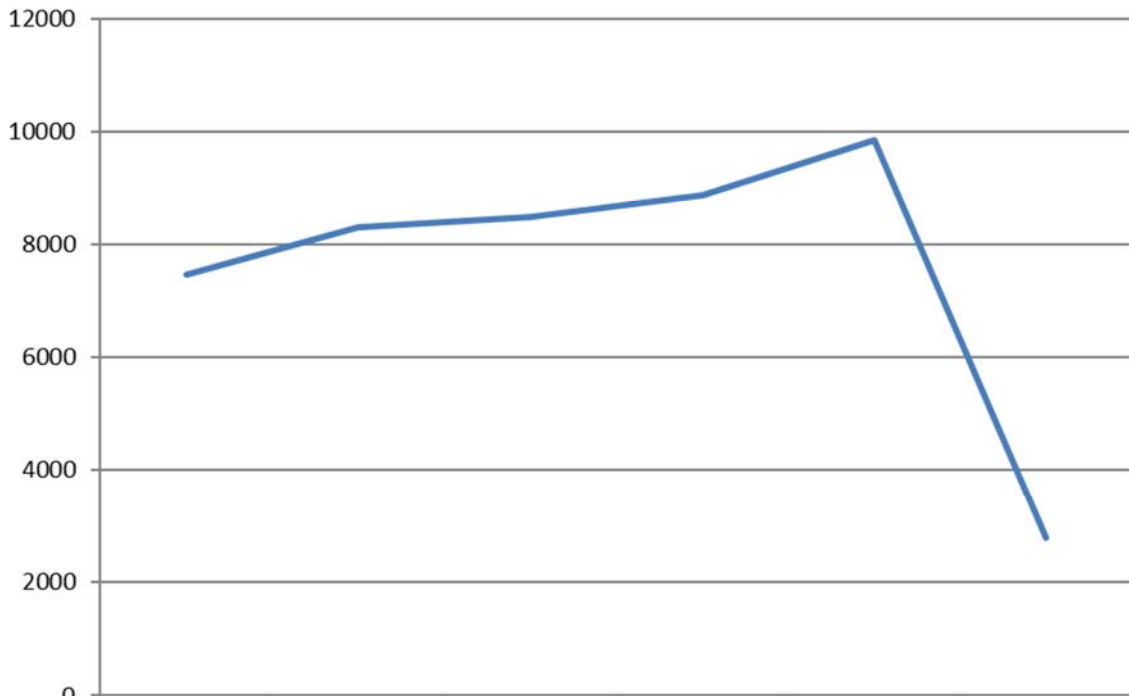
Probation North filled an Inspector I position and the Inspector began employment on October 2, 2017. The Probation North has one Limited-Term Inspector vacancy that was advertised and interviews will be held in November 2017. In late September 2017, an AGPA vacancy was advertised and the program anticipates interviews will be held in November 2017. The Inspector III position at the Sacramento office is still vacant and the position was readvertised.

Management has been working with DCA's Personnel Office to develop a new Inspector III examination with hopes of obtaining more viable candidates. The current list, which has limited candidates for recruitment, is expected to expire in December 2017. The new exam list will be available thereafter.

Enforcement Performance Measures

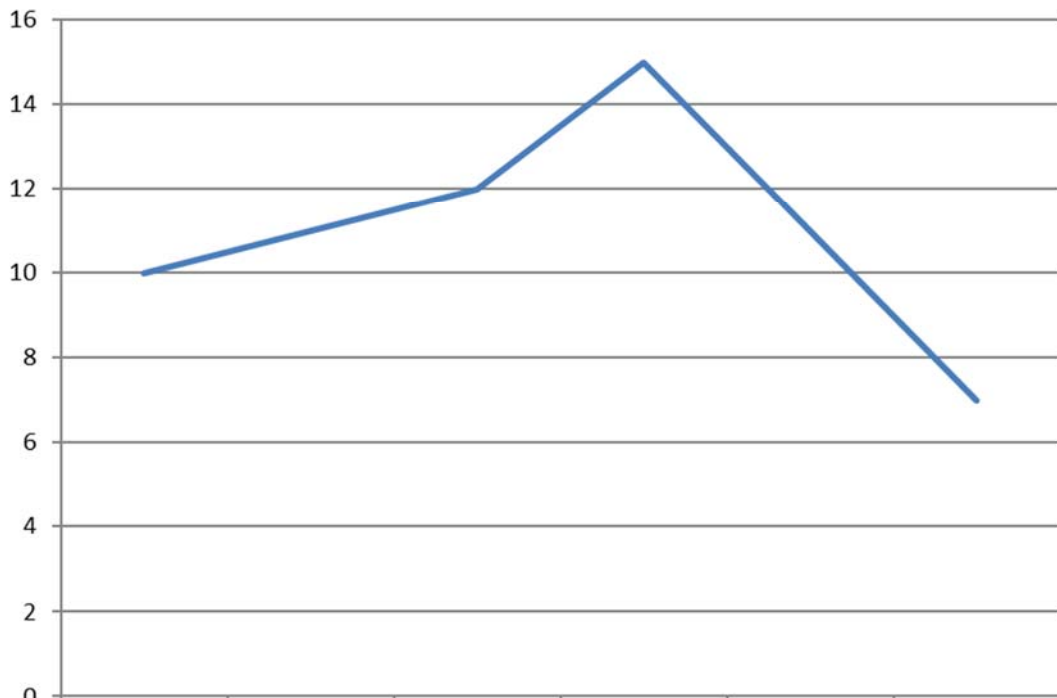
The charts on the next pages depict workload statistics regarding the number of complaints received, which includes complaints and arrest notifications (PM1), the average number of days to initiate a complaint and assign it to an analyst (PM2), the average number of days it takes to complete a case that 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.

### PM1 - Intake Volume



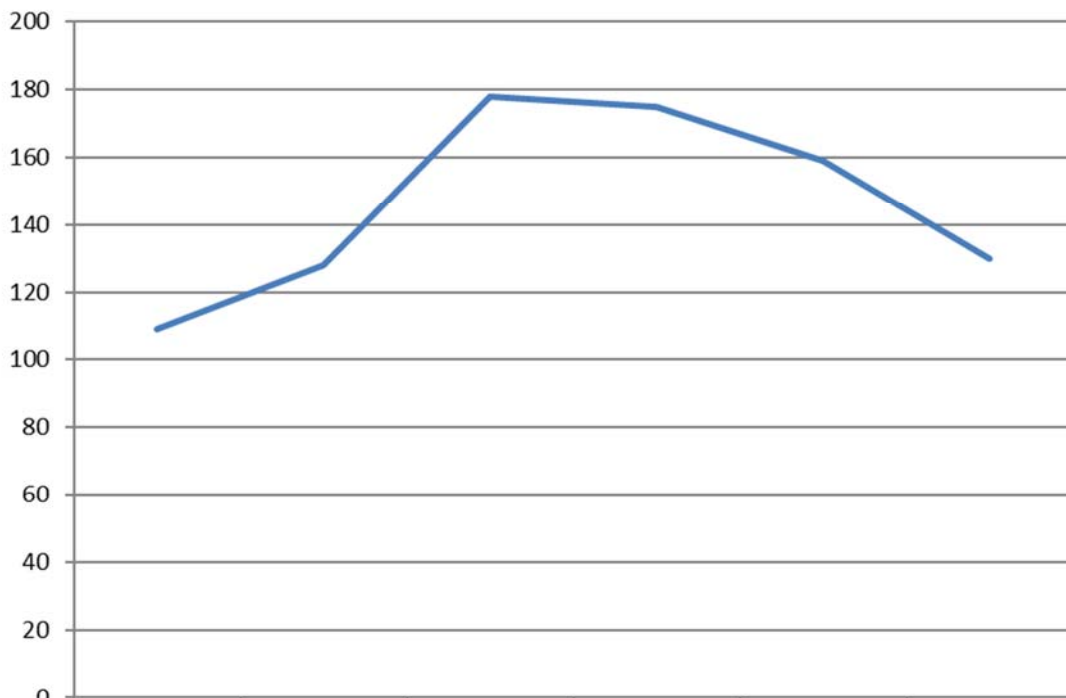
	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18*
Volume	7473	8325	8490	8885	9862	2786

### PM2 - Intake Cycle Time



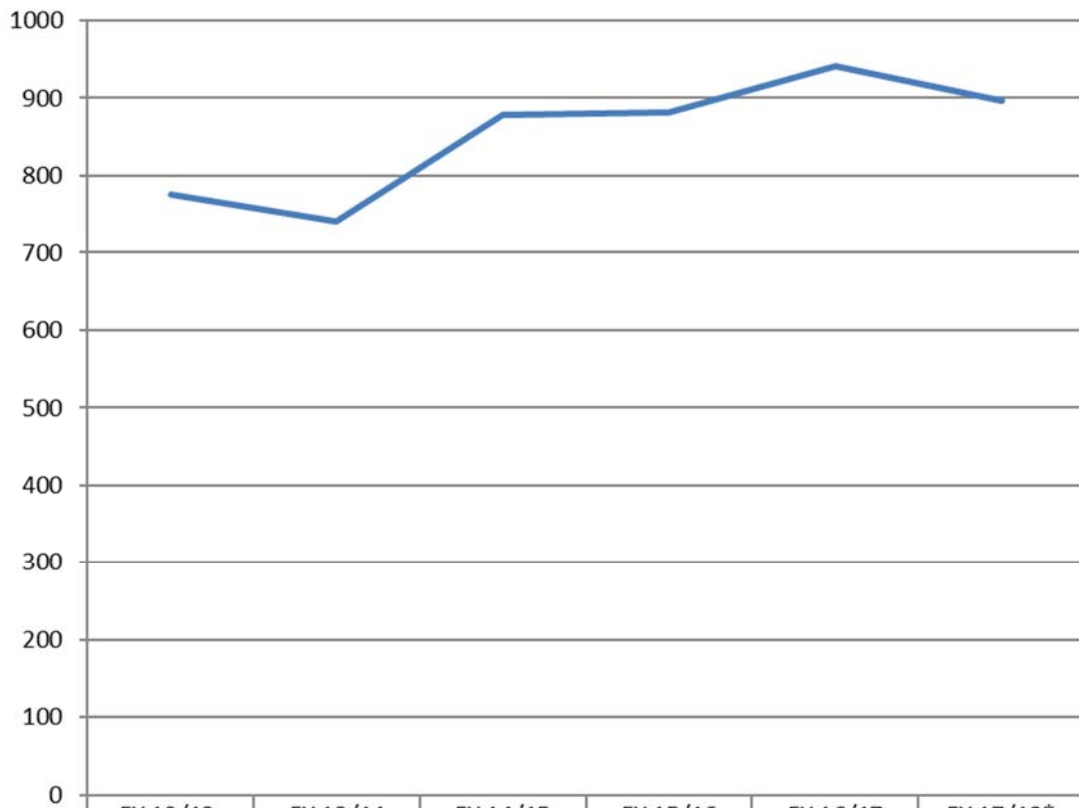
	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18*
Cycle Time	10	11	12	15	11	7

### PM3 - Intake and Investigation Cycle Time



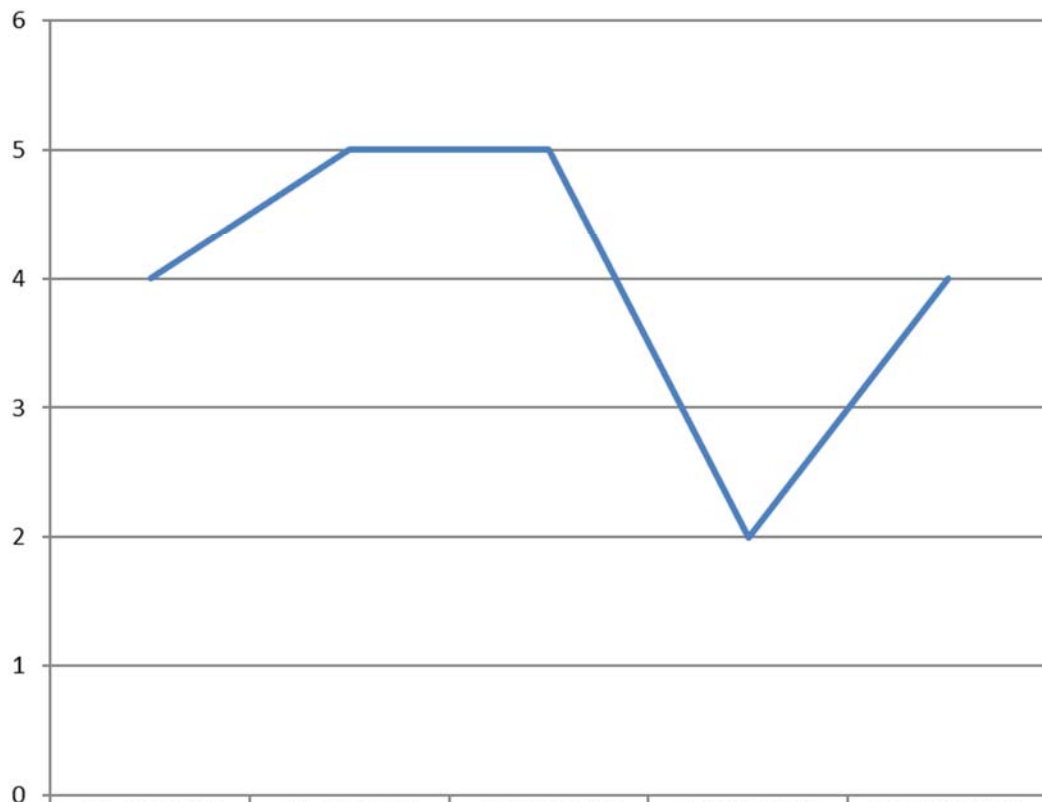
	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18*
Cycle Time	109	128	178	175	159	130

### PM4 - Formal Discipline Cycle Time



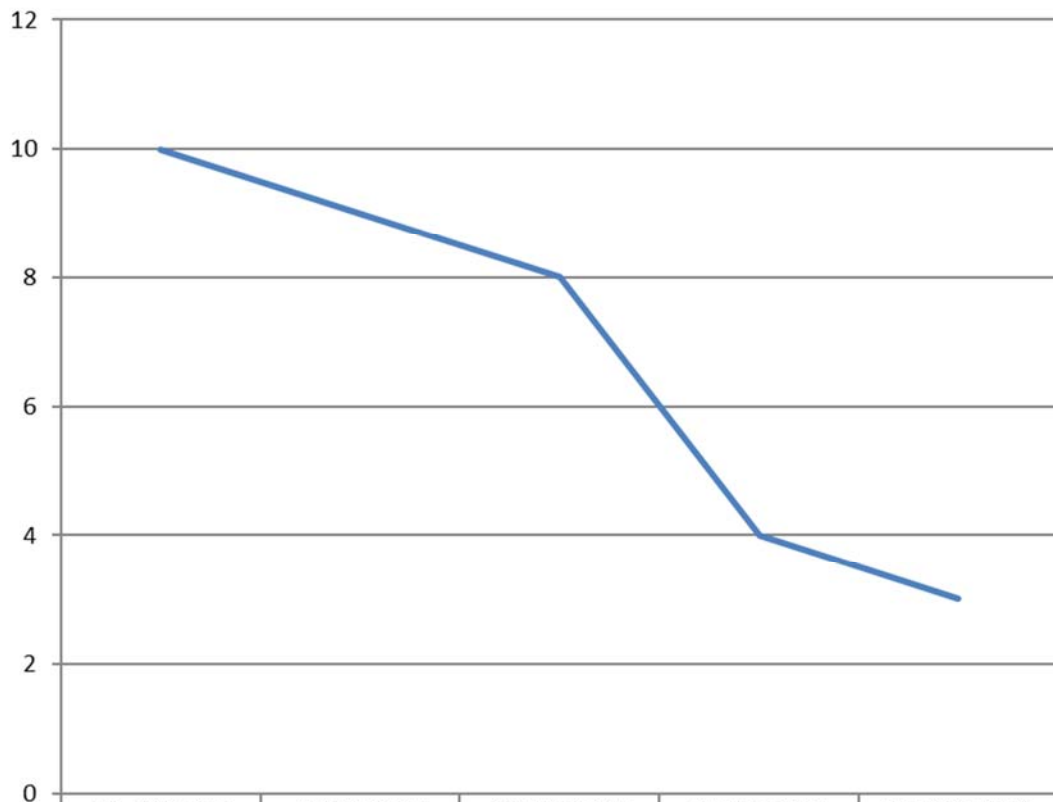
	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18*
— Cycle Time	776	742	879	882	941	897

### PM7 - Probation Intake Cycle Time



	Q1 FY 16/17	Q2 FY 16/17	Q3 FY 16/17	Q4 FY 16/17	Q1 FY 17/18*
Cycle Time	4	5	5	2	4

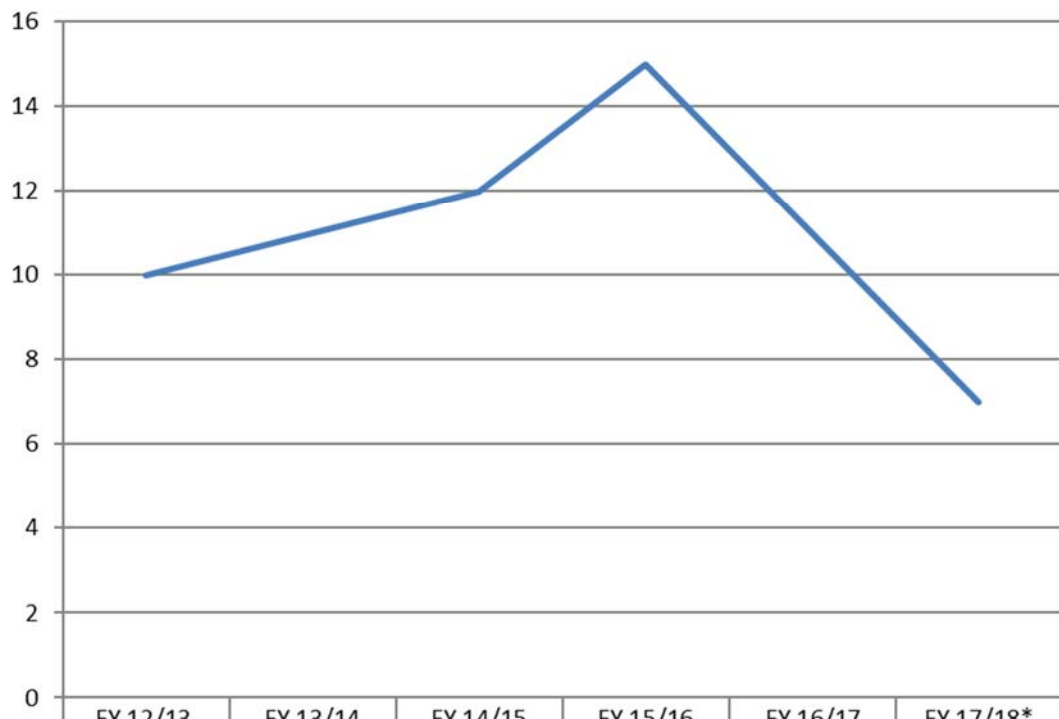
### PM8 - Probation Violation Response Cycle Time



	Q1 FY 16/17	Q2 FY 16/17	Q3 FY 16/17	Q4 FY 16/17	Q1 FY 17/18*
— Cycle Time	10	9	8	4	3



### PM2 - Intake Cycle Time



	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18*
— Cycle Time	10	11	12	15	11	7

## Medical Board of California Expert Reviewer Program Report

**Fiscal Year 2017 – 2018  
October 1, 2017**

**Attachment A**

SPECIALTY	Number of cases reviewed by Experts July 1 through September 30, 2017	Number of Experts and how often utilized from July 1 through September 30, 2017	Active List Experts 906 ↓
<i>ADDICTION</i>			10
ALLERGY & IMMUNOLOGY (A&I)			5 ↑
ANESTHESIOLOGY (Anes)	7	7 EXPERTS 7 LIST EXPERTS REVIEWED 1 CASE EACH	76
COLON & RECTAL SURGERY (CRS)	1		3
<i>COMPLEMENTARY/ALTERNATIVE MEDICINE</i>			15 ↓
<i>CORRECTIONAL MEDICINE</i>			
DERMATOLOGY (D)			9
DIAGNOSTIC RADIOLOGY	5	4 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERTS REVIEWED 2 CASES	29 ↓
EMERGENCY (EM)	4	4 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE EACH	47 ↓
FAMILY (FM)	17	13 EXPERTS 9 LIST EXPERTS REVIEWED 1 CASE EACH 4 LIST EXPERTS REVIEWED 2 CASES EACH	67 ↑
<i>HAND SURGERY</i>			15 ↑
<i>HOSPICE &amp; PALLIATIVE MEDICINE</i>			16 ↑
INTERNAL (General Internal Med)	17	16 EXPERTS 15 EXPERTS REVIEWED 1 CASE EACH 1 EXPERT REVIEWED 2 CASES	77 ↓
Cardiology			8
Cardiovascular Disease (Cv)			27 ↓
[Interventional Cardiology]			13
Clinical Cardiac Electrophysiology (CCEP)			3
Critical Care Medicine (CCM)			12

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Endocrinology, Diabetes and Metabolism (EDM)			6
Gastroenterology (Ge)			18 ↓
Geriatric Medicine (Ger)			29
Hematology (Hem)			5
Infectious Disease (Inf)			11 ↑
Medical Oncology (Onc)			10 ↓
Nephrology (Nep)			13 ↑
Pulmonary Disease (Pul)			12 ↓
Rheumatology (Rhu)			9 ↑
Sleep Medicine (SLP)			4
Sports Medicine (SM)			11
Transplant Hepatology (TH)			0
MIDWIFE REVIEWER			7
NEUROLOGICAL SURGERY (NS)			9 ↓
NEUROLOGY (N)	5	4 EXPERTS 3 LIST EXPERTS REVEIUED 1 CASE EACH 1 LIST EXPERT REVEIUED 2 CASES	28 ↑
Clinical Neurophysiology (C/NPh)			4
Neurodevelopmental Disabilities (ND)			1
Neuromuscular Medicine (NeuroMed)			0
Vascular Neurology (VascN)			3

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NEUROLOGY with Special Qualifications in Child Neurology (N/ChiN)			2
NUCLEAR MEDICINE (NuM)			3
OBSTETRICS & GYNECOLOGY (ObG)	13	8 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE EACH 5 LIST EXPERTS REVIEWED 2 CASES EACH	78 ↓
Critical Care Medicine (CCM)			0
Gynecologic Oncology (GO)			2
Maternal & Fetal Medicine (MF)			8
Reproductive Endocrinology/ Infertility (RE)			5
OCCUPATIONAL MEDICINE	2	1 EXPERT 1 LIST EXPET REVIEWED 2 CASES	8 ↓
OPHTHALMOLOGY (Oph)	3	3 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE EACH	25
ORTHOPAEDIC SURGERY (OrS)	5	5 EXPERTS 5 LIST EXPERTS REVIEWED 1 CASE EACH	31 ↓
Orthopaedic Sports Medicine (OSM)			6
OTOLARYNGOLOGY (Oto)			21
Neurotology (ON)			3
Pediatric Otolaryngology (PO)			2
Plastic Surgery within the Head and Neck (PSHN)			7
PAIN MEDICINE (PM)	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH	23 ↓
PATHOLOGY (Path)			10 ↓
Blood Banking Transfusion Medicine (BBTM)			3

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Chemical Pathology (ChemP)			0
Cytopathology (CytoP)			4
Dermatopathology (DP)			4
Pathology - Forensic (FPath)			0
Pathology - Hematology (Hem)			2
Pathology - Medical Microbiology (MMB)			0
Pathology - Molecular Genetic Pathology (MGP)			0
Neuropathology (NPath)			1
Pathology - Pediatric (PdP)			0
PEDIATRICS (Ped)			52 ↑
Adolescent Medicine (AM)			0
Clinical & Laboratory Immunology (CLI)			0
Developmental-Behavioral Pediatrics (DBP)			3
Neonatal-Perinatal Medicine (NP)			7
Neurodevelopmental Disabilities (ND)			1
Pediatric Cardiology (Cd)			5
<i>Pediatric Cardiothoracic Surgery</i>			0
Pediatric Critical Care Medicine (CCM)			1
Pediatric Emergency Medicine (PEM)			4
Pediatric Endocrinology (En)			1
Pediatric Gastroenterology (Ge)			6
Pediatric Hematology-Oncology (HO)			2
Pediatric Infectious Diseases (Inf)			3
Pediatric Nephrology (Ne)			1
Pediatric Pulmonology (Pul)			0

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Pediatric Rheumatology (Rhu)			0
Pediatric Transplant Hepatology (TH)			0
PHYSICAL MEDICINE & REHABILITATION (PMR)	1	1 EXPERT 1 LIST EXPERT	13 ↑
PLASTIC SURGERY (PIS)	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH	47 ↓
Plastic Surgery within the Head and Neck (PSHN)			7
OCCUPATIONAL MEDICINE			8 ↓
PUBLIC HEALTH and GENERAL PREVENTIVE MED.			3
Undersea & Hyperbaric Medicine (UM; UHM)			0
PSYCHIATRY (Psyc)	13	9 EXPERTS 8 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 5 CASES	86 ↑
Addiction Psychiatry (AdP)			15
Child & Adolescent Psychiatry (ChAP)			15
Clinical Neurophysiology (C/NPh)			4
Forensic Psychiatry (FPsy)			26
Geriatric Psychiatry (GPsyc)			13
Psychosomatic Medicine (PsychoMed)			10
SLEEP MEDICINE (S)	3	2 EXPERTS 1 LIST EXPERT REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES	8
SURGERY (S)	5	5 EXPERTS 5 LIST EXPERTS REVIEWED 1 CASE EACH	39

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SPECIALTY	Number of cases reviewed by Experts July 1 through September 30, 2017	Number of Experts and how often utilized from July 1 through September 30, 2017	Active List Experts 906 ↓
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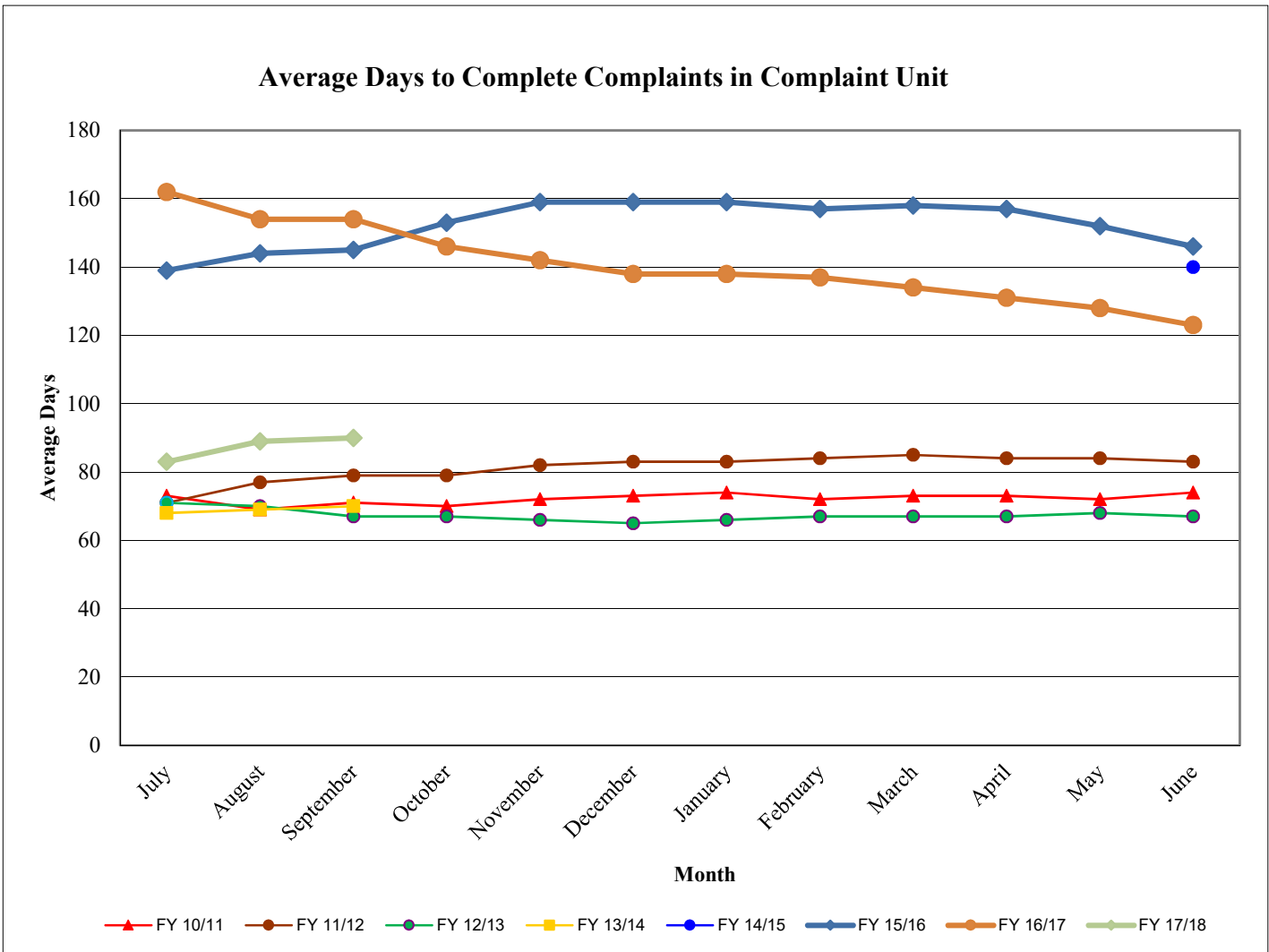
Pediatric Surgery (PdS)			2
Surgical Critical Care (SCC)			2
THORACIC AND CARDIAC SURGERY	1	1 EXPERT 1 LIST EXPERT	11 ↓
UROLOGY (U)	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH	21 ↑
VASCULAR SURGERY	1	1 EXPERT 1 LIST EXPERT	6 ↓

TOTAL CASES REVIEWED (1 <sup>ST</sup> QUARTER FISCAL YEAR 2017-2018)	<b>102</b>
TOTAL EXPERTS UTILIZED (1 <sup>ST</sup> QUARTER FISCAL YEAR 2017-2018)	<b>84</b>
TOTAL ACTIVE LIST EXPERTS (1 <sup>ST</sup> QUARTER FISCAL YEAR 2017-2018)	<b>906</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

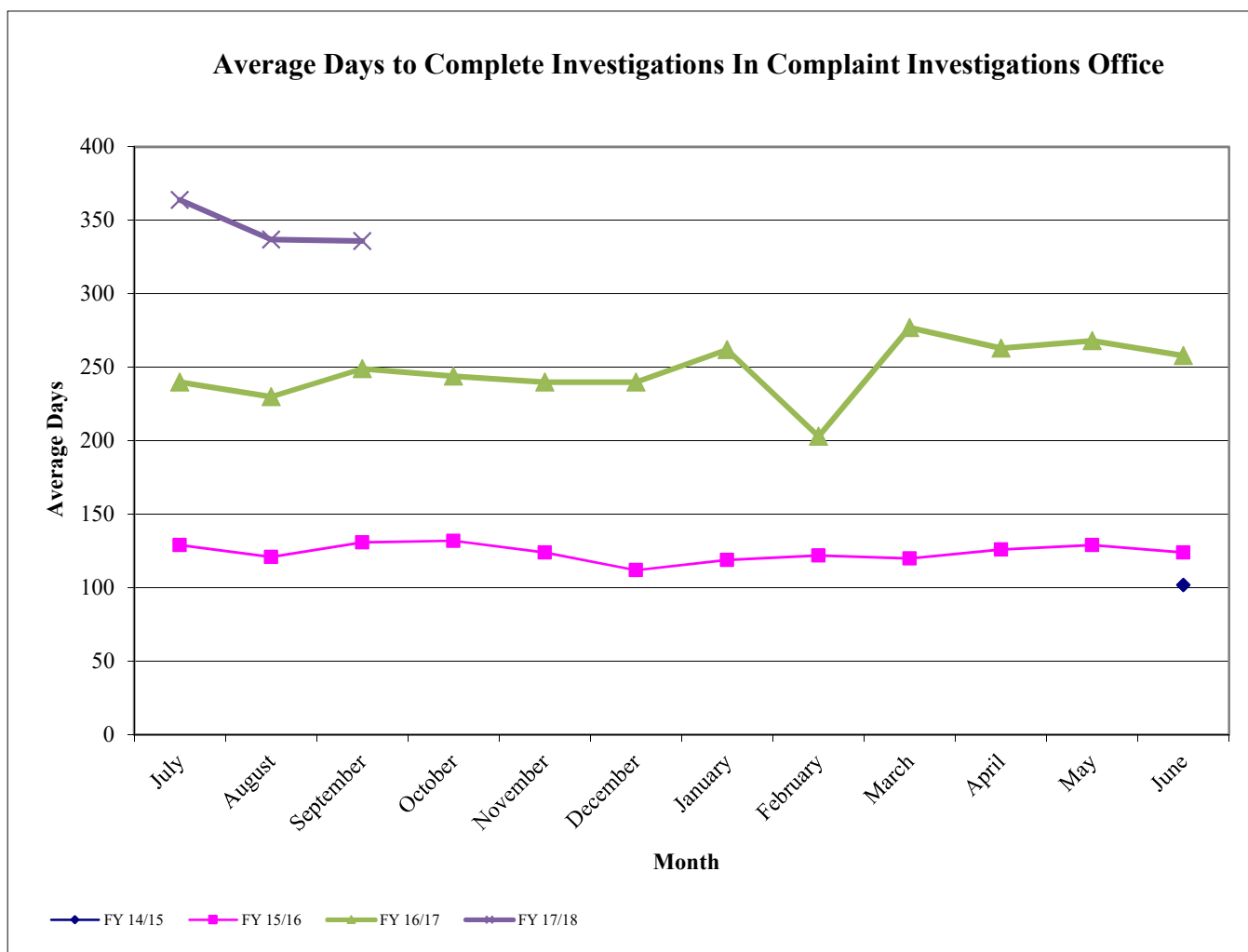
Month	Fiscal Year						Attachment B	
	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18
July	73	71	71	68		139	162	83
August	69	77	70	69		144	154	89
September	71	79	67	70		145	154	90
October	70	79	67			153	146	
November	72	82	66			159	142	
December	73	83	65			159	138	
January	74	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	





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

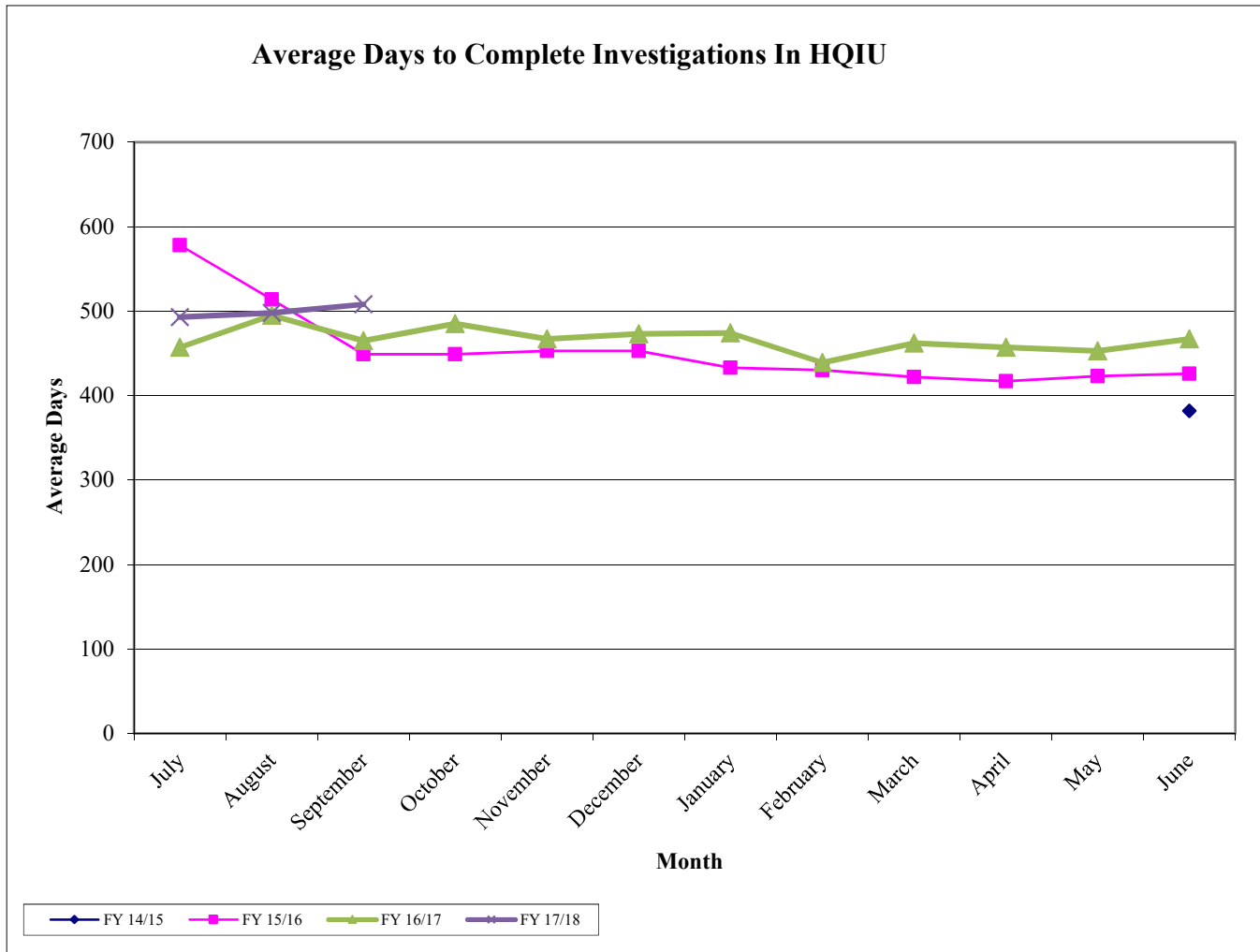
Month	Fiscal Year			
	FY 14/15	FY 15/16	FY 16/17	FY 17/18
July		129	240	364
August		121	230	337
September		131	249	336
October		132	244	
November		124	240	
December		112	240	
January		119	262	
February		122	203	
March		120	277	
April		126	263	
May		129	268	
June	102	124	258	



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

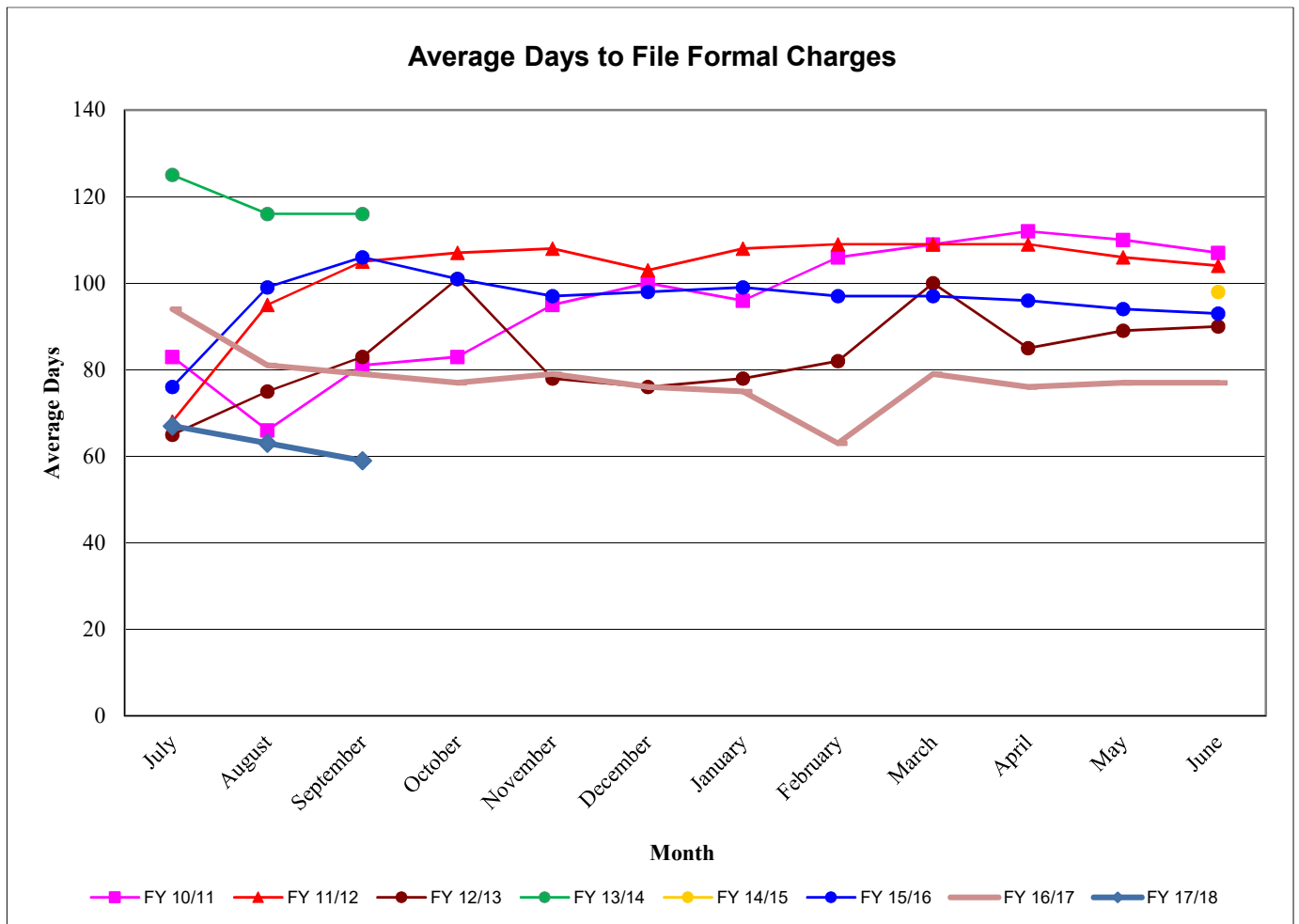
## Medical Board of California Enforcement Program Average Days to Complete Investigations in HQIU

Month	Fiscal Year			
	FY 14/15	FY 15/16	FY 16/17	FY 17/18
July		578	457	493
August		514	495	498
September		449	465	508
October		449	485	
November		453	467	
December		453	473	
January		433	474	
February		430	439	
March		422	462	
April		417	457	
May		423	453	
June	382	426	467	



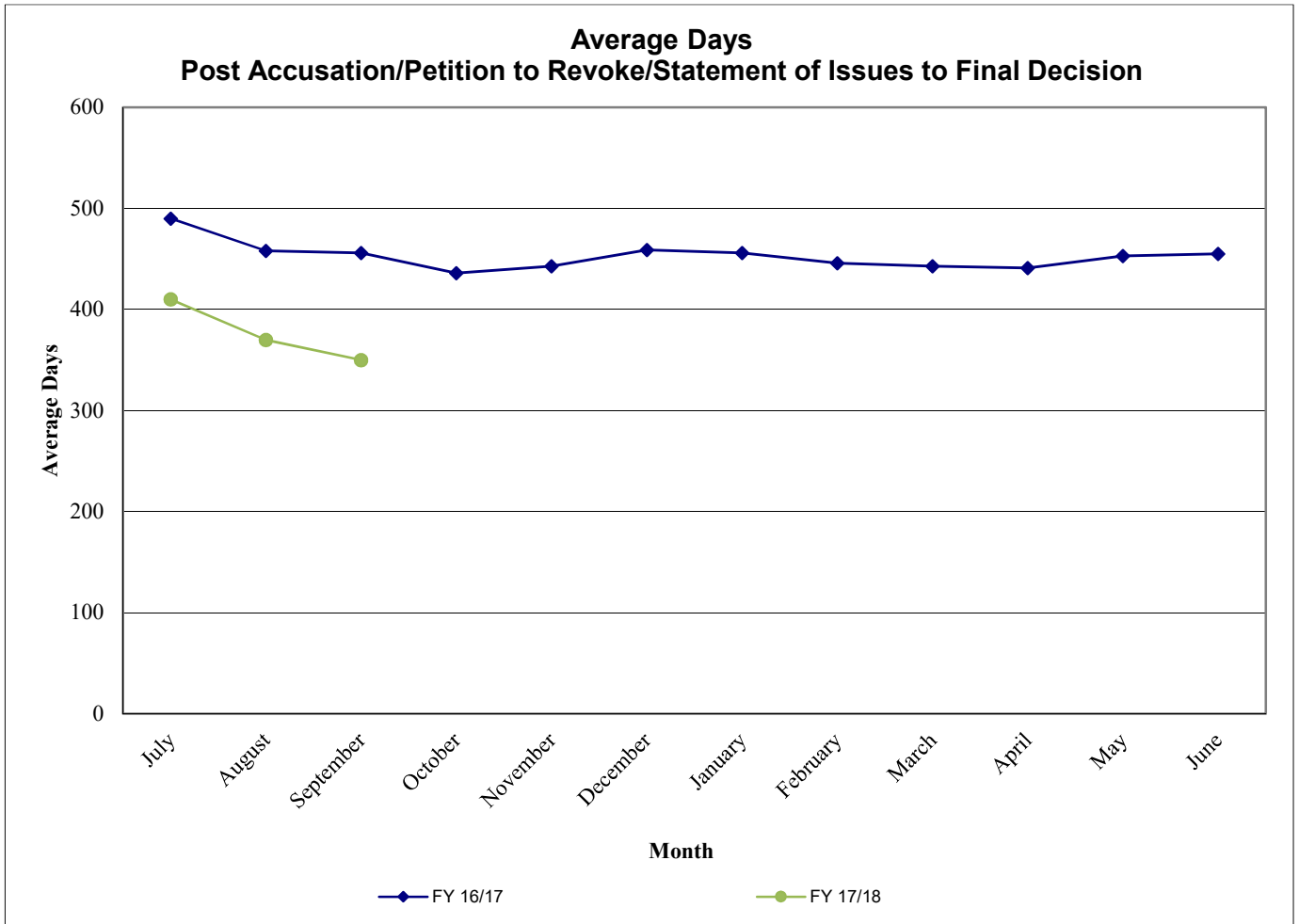
## Medical Board of California Enforcement Program Average Days to File Administrative Charges Prepared by the Office of the Attorney General

Month	Fiscal Year							
	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18
July	83	68	65	125		76	94	67
August	66	95	75	116		99	81	63
September	81	105	83	116		106	79	59
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	



**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	
November	443	
December	459	
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.

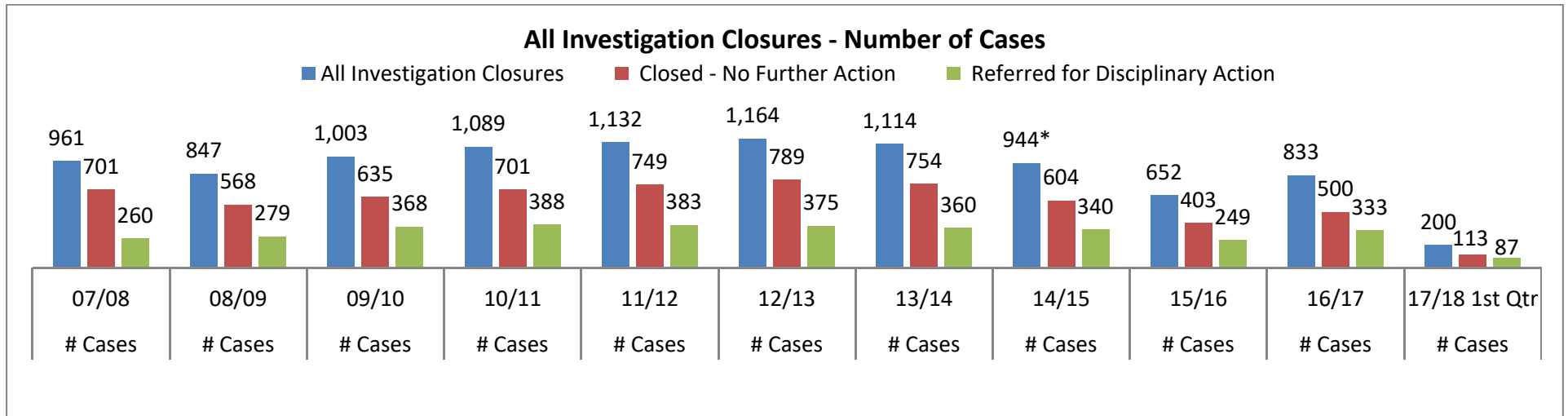
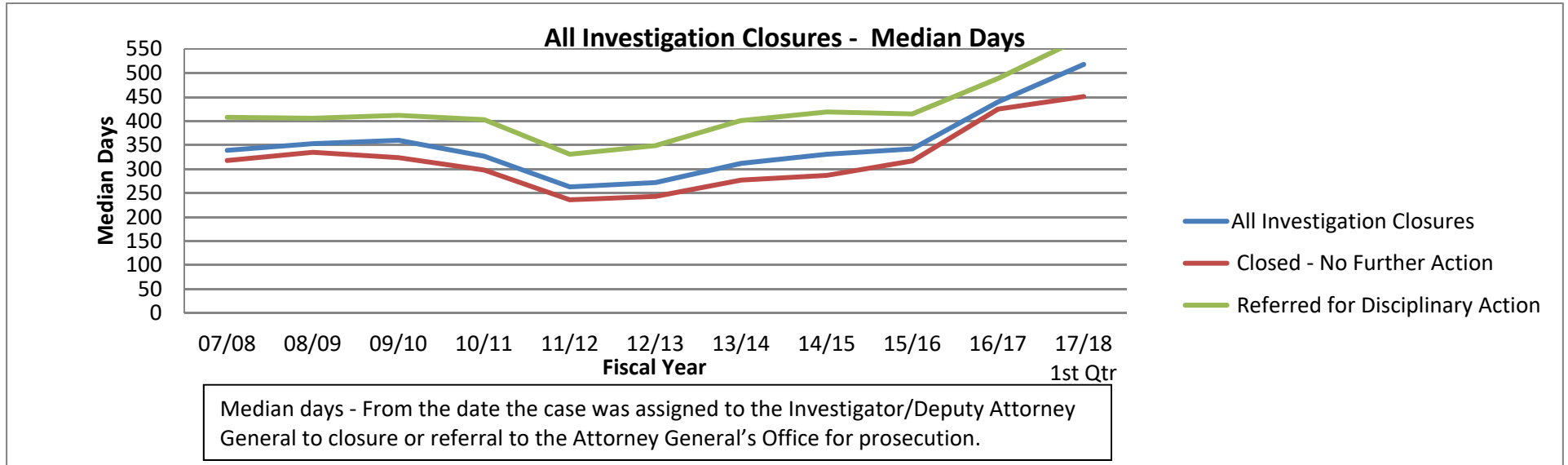
Attachment C

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	55
INVESTIGATION PROCESSING - MBC-CIO											102	57	124	52	258	203	336	346
INVESTIGATION PROCESSING - HQIU											382	352	426	367	467	431	508	472
INVESTIGATION PROCESSING - ALL	328	292	312	283	264	225	268	245	245	205								
TOTAL MBC & HQIU																		
DAYS	404	355	386	360	347	289	335	299	312	248	228	150	230	155	141	104	133	64
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	0.36	0.18
AG PREP FOR ACC/PTR/ACC&PTR/SOI	106	66	107	72	104	78	90	75	110	86	98	68	93	67	77	62	59	51
POST ACCUSATION/PTR/SOI	368	312	417	324	396	350	435	366	443	402	459	392	453	378	455	368	350	282
ACCUSATION DECLINED BY AG											44	23	56	31	25	14	446	446
TOTAL AG																		
DAYS	474	378	524	396	500	428	525	441	553	488	473	413	479	393	473	328	332	279
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	0.91	0.76
TOTAL MBC & AG																		
DAYS	878	733	910	756	847	717	860	740	865	736	956	927	967	919	1034	1040	873	798
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	2.39	2.19

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.

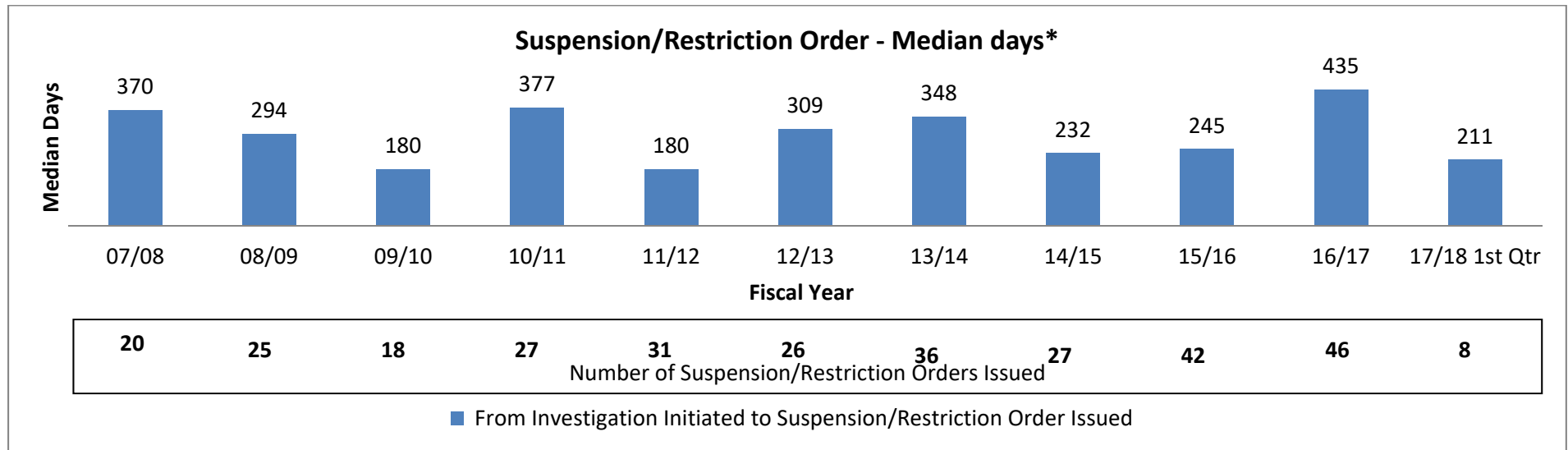
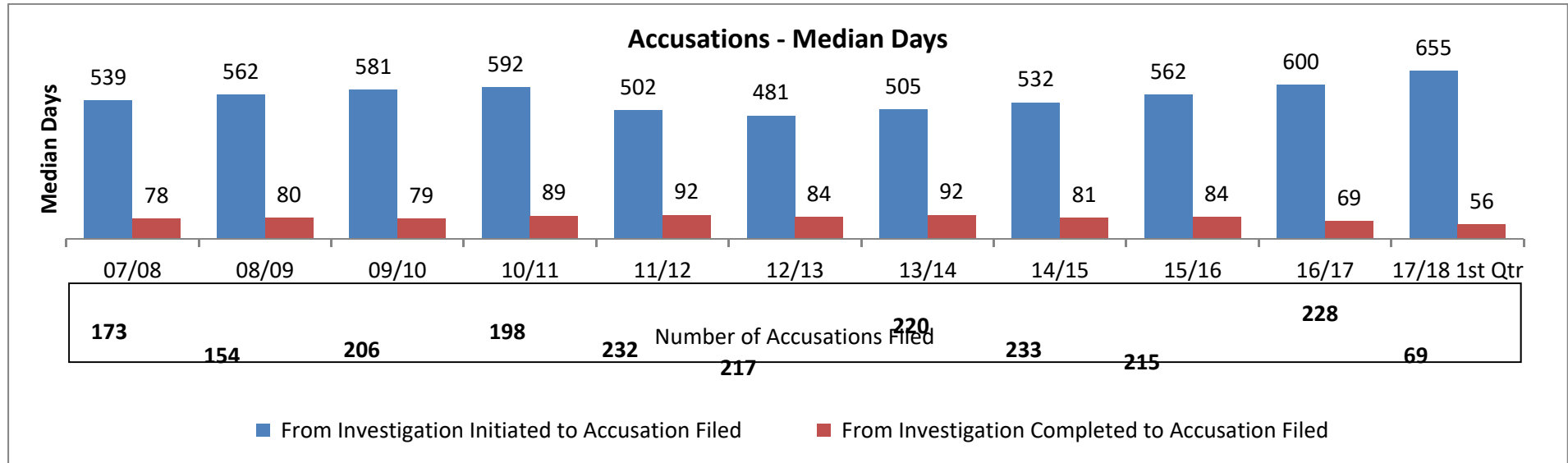
<sup>2</sup> Data through 9/30/17



\* 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 HQUIU.

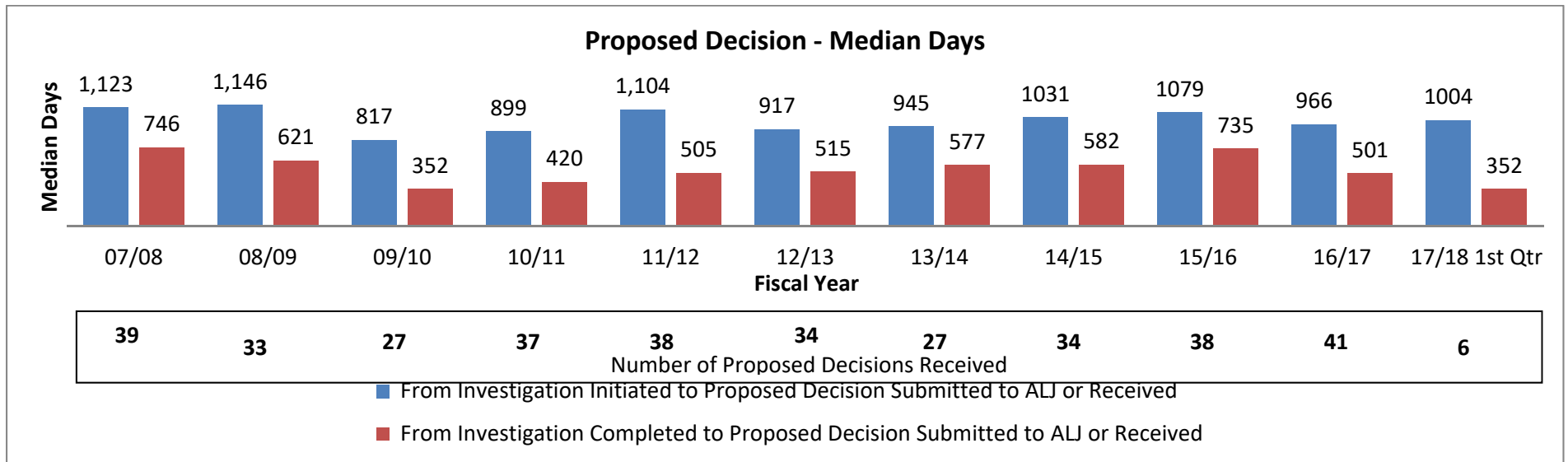
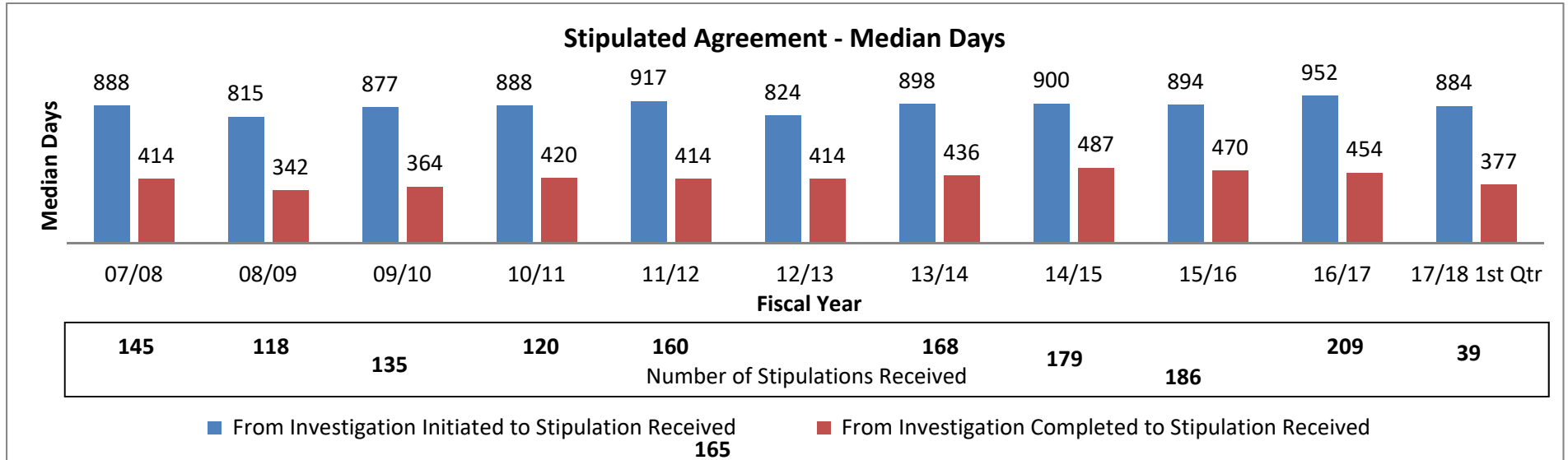
The graphs above exclude the following case types: out-of-state, headquarters, Operation Safe Medicine, probation violations, petitions for modification/termination of probation terms, and petitions for reinstatement. They also exclude all cases that were referred solely to the District/City Attorney 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.

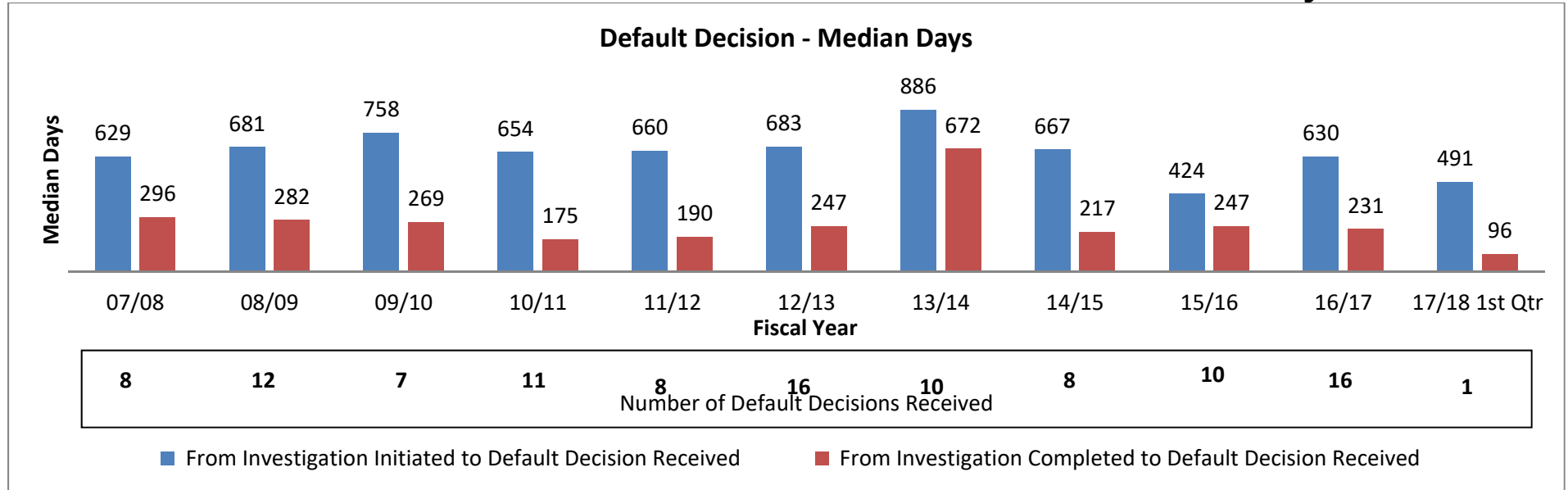
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