

2012



Medical Board of California

Report to the Legislature Vertical Enforcement and Prosecution Model

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Executive Summary

The Medical Board of California (Board) is required to submit a report to the Legislature by March 1, 2012, offering recommendations to the Governor and the Legislature on the "vertical enforcement and prosecution model" (VE/P). The purpose of the VE/P model is to increase public protection by improving coordination, teamwork, increasing efficiency, and reducing investigative completion delays. The VE/P model was implemented by the Board and the Health Quality Enforcement Section (HQES) of the Department of Justice (DOJ) on January 1, 2006.

The Board submitted a report, prepared by Integrated Solutions for Business & Government, Inc., to the Legislature on the VE/P model in June 2009. The 2009 report provided extensive statistical Board data showing select data markers for the period January 2005 to December 2008. It also recommended continuing the VE/P model with modifications.

An August 2010 report, by Benjamin Frank LLC Management Consultants, evaluated the Board's programs. This Frank report suggested implementing 14 recommendations to improve the VE/P model.

This 2012 report will focus on a total of 21 recommendations proposed in the 2009 and 2010 evaluation reports and the Board's actions in implementing them.

The Board and HQES continue to jointly work on strengthening the VE/P model. The revised VE/P manual (Third Edition, July 2011) provides clarification on responsibilities of Board and HQES staff. Further, it states the expected time-frames to complete milestone events during the investigation and prosecution processes. A joint statewide training for all Deputy Attorneys General (DAGs) and Board investigators was held in April 2011. The training included discussions on consistency in administering the VE/P model, processing subpoenas, and techniques for promptly acquiring medical records. Many other enhancements to the VE/P model have been realized by the joint efforts of the Board and HQES staff. The Expert Reviewer Program has been reinforced with an interactive 8-hour training course for experts set to roll out in May 2012. The Board and HQES have been energetically working toward reconciling their different methods of reporting certain data markers.

Ten of the 21 recommendations from the two reports have been implemented. The July 2011 VE/P manual has been updated to incorporate suggestions in the recommendations regarding communication, clarity of roles, and statewide consistent/unified administration of the VE/P process. A joint, Board and HQES, training was held and the Expert Reviewer Program has been strengthened. Phase one of the BreZE integrated computer system is due to be implemented by the Board in Fall 2012. An interface for DCA Boards/Bureaus and DOJ is not scheduled to be

implemented in the first phase. Discussions are continuing for the Board/DOJ interface to be released in the third quarter of 2013.

Progress has been made in filling staff vacancies, developing new positions, reviewing factors for turnover, and developing plans to minimize attrition. Attention is now being focused on ways to fill vacancies in hard to recruit areas of the State and establish incentives to retain current staff. The Board is seeking approval for six non-sworn, Special Investigator I positions. A re-alignment of the investigator classification will aid in the retention of staff.

A detailed report, fully analyzing the VE/P model, data and its effectiveness, will be provided to the Legislature during the Board's upcoming sunset review period. The impending report will provide Board and HQES integrated data needed to determine the effectiveness of the VE/P model.