

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: July 5, 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 972 active experts in the Board's expert database. 344 experts were utilized to review 809 cases from July 1, 2017 through June 30, 2018 (Please see Attachment A). Additional experts are still needed in the following fields:

- 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)
- forensic pathology
- 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

Central Complaint Unit:

The average number of days to initiate a complaint in the Central Complaint Unit (CCU) is 10 for the fourth quarter of fiscal year (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. At the end of FY 17-18, the average number of days to process a complaint is 98 days. This is a decrease from last year, which was 123 days.

The management services technician position mentioned in the previous enforcement summary has been filled. The employee reported to work on May 1, 2018. The part-time associate governmental program analyst (AGPA) position was also filled and the employee reported to work on May 31, 2018. Additionally, the vacant staff services manager (SSM) II position was filled as of May 1, 2018.

CCU currently has two vacant SSM I positions, one following a retirement from state service and one resulting from a promotion. Interviews for the vacant SSM I positions were held and management is finalizing the hiring process. In addition to the SSM I positions, CCU currently has one vacant AGPA position and two vacant staff services analyst positions, one part-time and one full-time, due to promotions. All analyst positions have been advertised and interviews are expected to take place in August.

Discipline Coordination Unit:

Interviews were conducted to fill the limited-term office technician position within the Discipline Coordination Unit mentioned in the previous enforcement summary. Eligibility determination has been requested for the top candidates and the position is expected to be filled by August.

Complaint Investigation Office:

The Complaint Investigation Office (CIO) non-sworn special investigators (SI) currently have a case load of approximately 262 cases. Since the last enforcement summary, CIO has closed 62 cases and has transmitted 15 cases to the Attorney General's Office (AGO) – 5 malpractice cases, 4 criminal conviction cases, and 6 petitions for reinstatement of licensure. In addition, 4 cases were referred to the Citation and Fine Program, and 2 cases were referred to the Discipline Coordination Unit for an offer of a Public Letter of Reprimand. The average number of days for CIO to complete an investigation is 315 days.

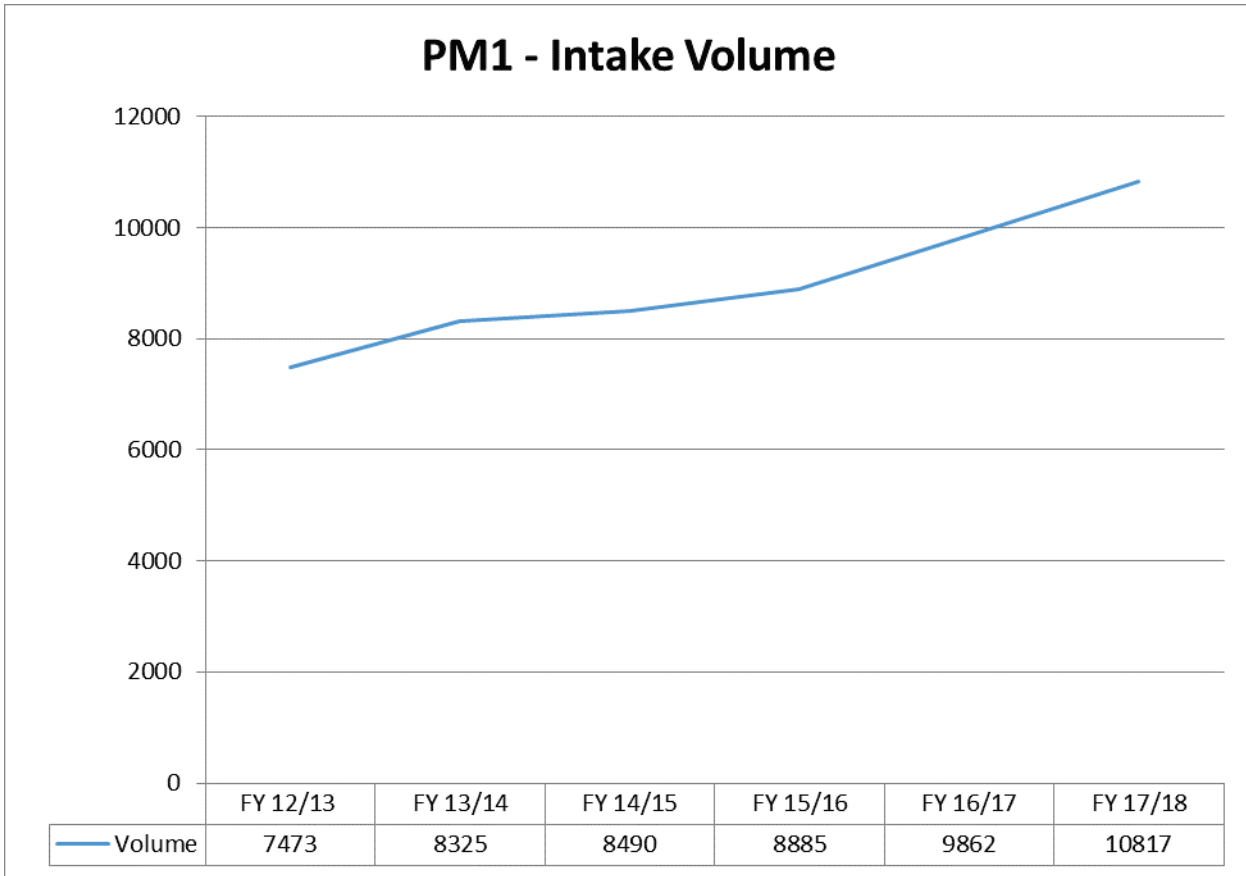
Probation Unit:

The Probation Unit currently has one vacant inspector I position in the Sacramento field office. This vacancy has been advertised and interviews are expected to take place in August.

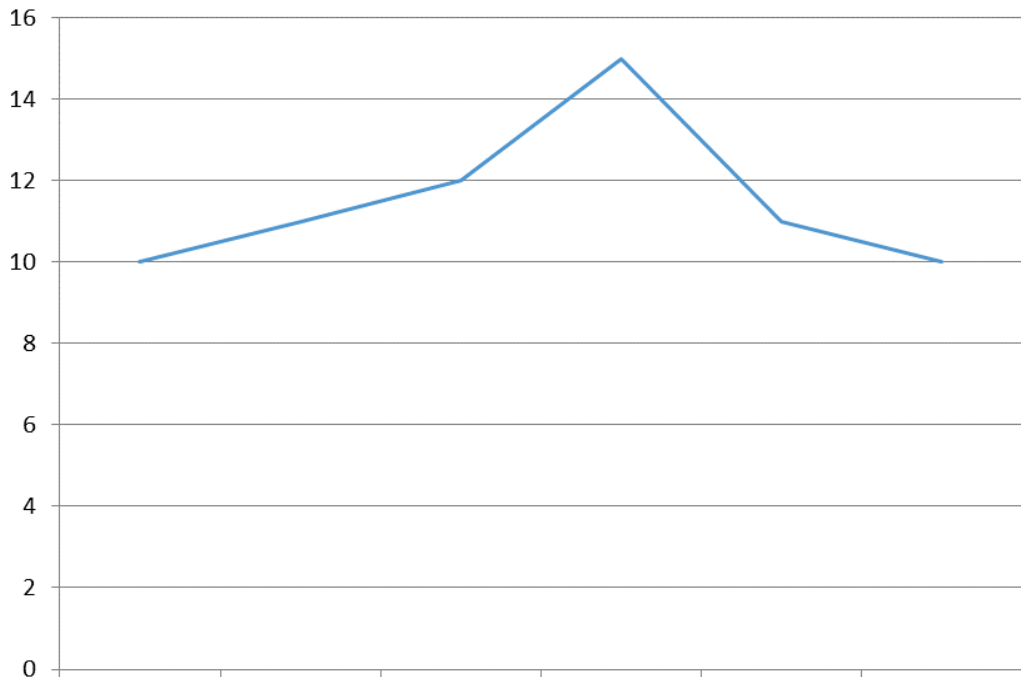
Enforcement Performance Measures:

The charts on the following pages are based on all license types under the Medical Board of California and 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 17/18 from July 1, 2017 to June 30, 2018.

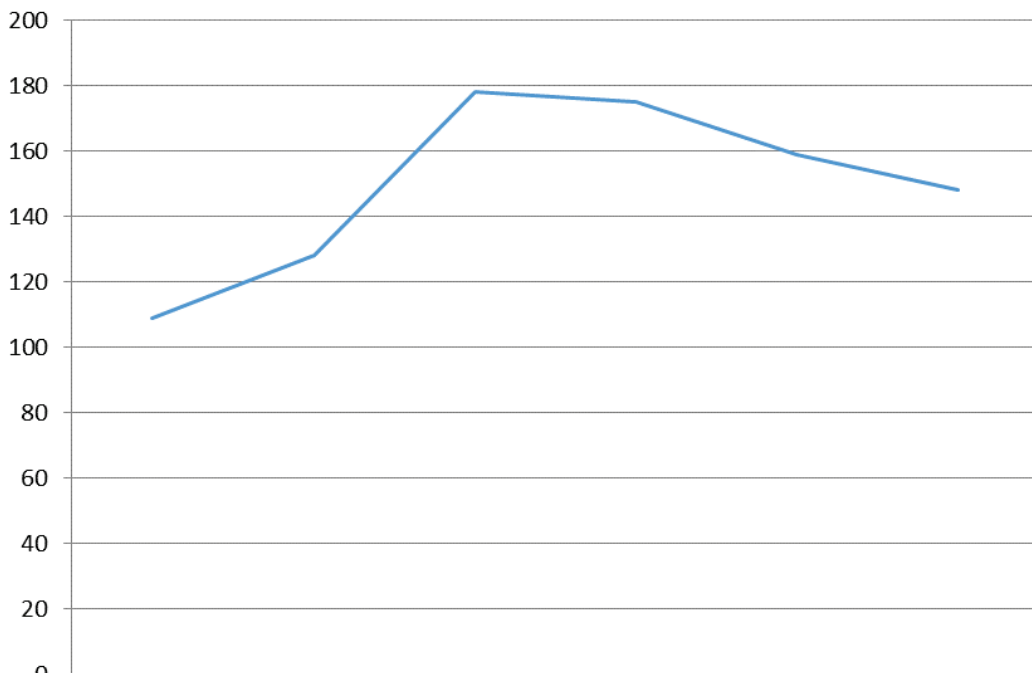


PM2 - Intake Cycle Time



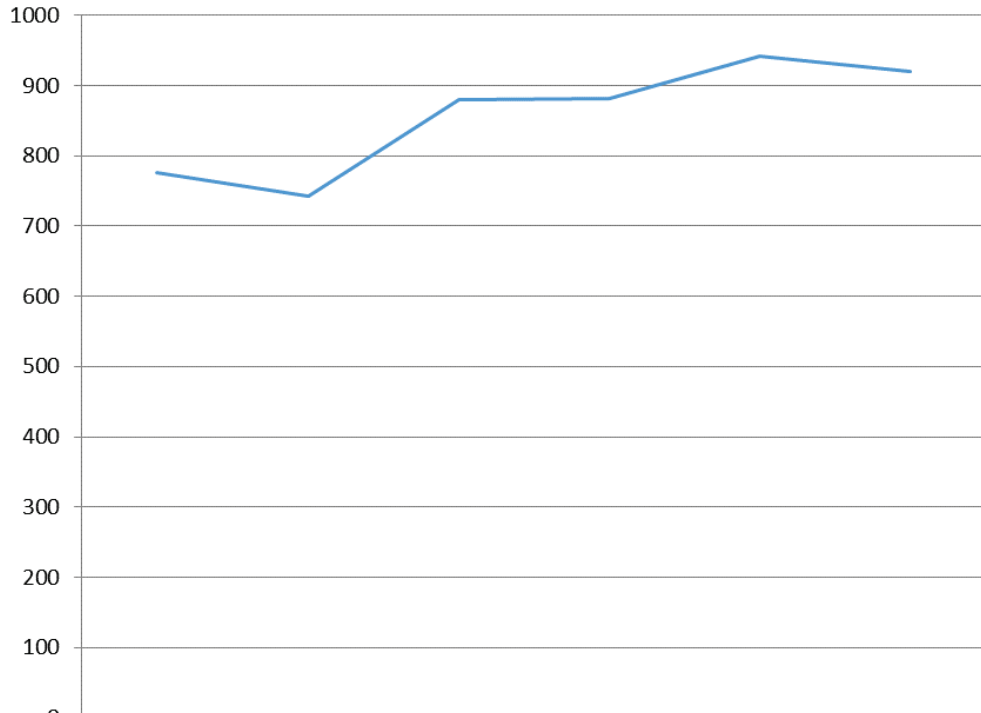
	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18
Cycle Time	10	11	12	15	11	10

PM3 - Intake and Investigation Cycle Time



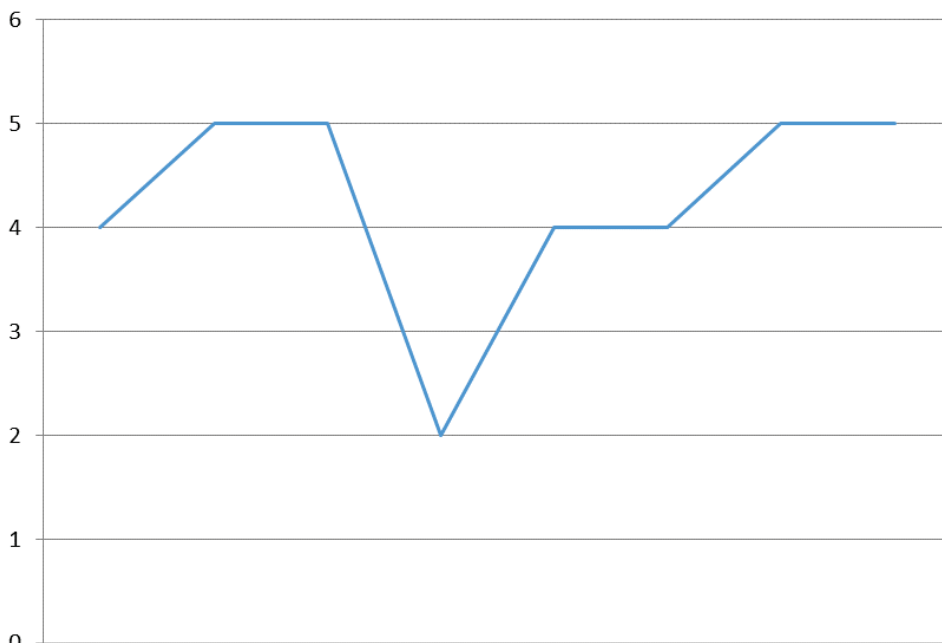
	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18
Cycle Time	109	128	178	175	159	148

PM4 - Formal Discipline Cycle Time



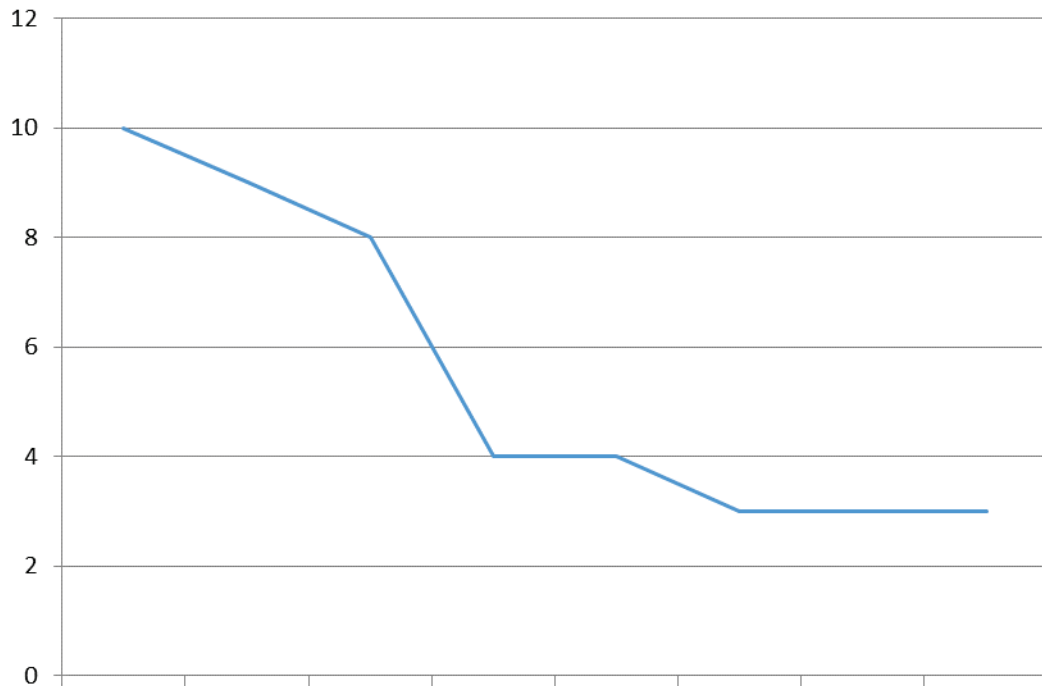
	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18
Cycle Time	776	742	879	882	941	920

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

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

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

Attachment A

**Fiscal Year 2017 – 2018
July 2, 2018**

MEDICAL SERVICE CODE	Number of cases reviewed by Experts July 1, 2017 through June 30, 2018	Number of Experts utilized from July 1, 2017 through June 30, 2018	Active List Experts 972
Anesthesiology	28	22 experts	68
Allergy and Immunology	1	1 expert	5
Critical Care	2	2 experts	15
Cardiology	10	7 experts	27
Dermatology	10	9 experts	10
Emergency Medicine	34	23 experts	48
Family Medicine	222	130 experts	66
Gastroenterology	5	5 experts	19
Internal Medicine	99	64 experts	102
Infectious Disease	1	1 expert	11
Nephrology	5	5 experts	13
Neonatal/Perinatal	1	1 expert	7
Neurological Surgery	11	5 experts	9

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Expert Reviewer Program Report**

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MEDICAL SERVICE CODE	Number of cases reviewed by Experts July 1, 2017 through June 30, 2018	Number of Experts utilized from July 1, 2017 through June 30, 2018	Active List Experts 972
Neurology	16	9 experts	26
Obstetrics and Gynecology	64	29 experts	78
Ophthalmology	15	10 experts	28
Orthopedic Surgery	37	20 experts	35
Otolaryngology	2	2 experts	23
Pain Medicine	30	20 experts	22
Pathology	3	3 experts	11
Pediatrics	18	12 experts	57
Physical Medicine and Rehabilitation	11	5 experts	11
Plastic Surgery	23	19 experts	45
Preventive Medicine	1	1 expert	5
Psychiatry	64	41 experts	79

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

Attachment A

**Fiscal Year 2017 – 2018
July 2, 2018**

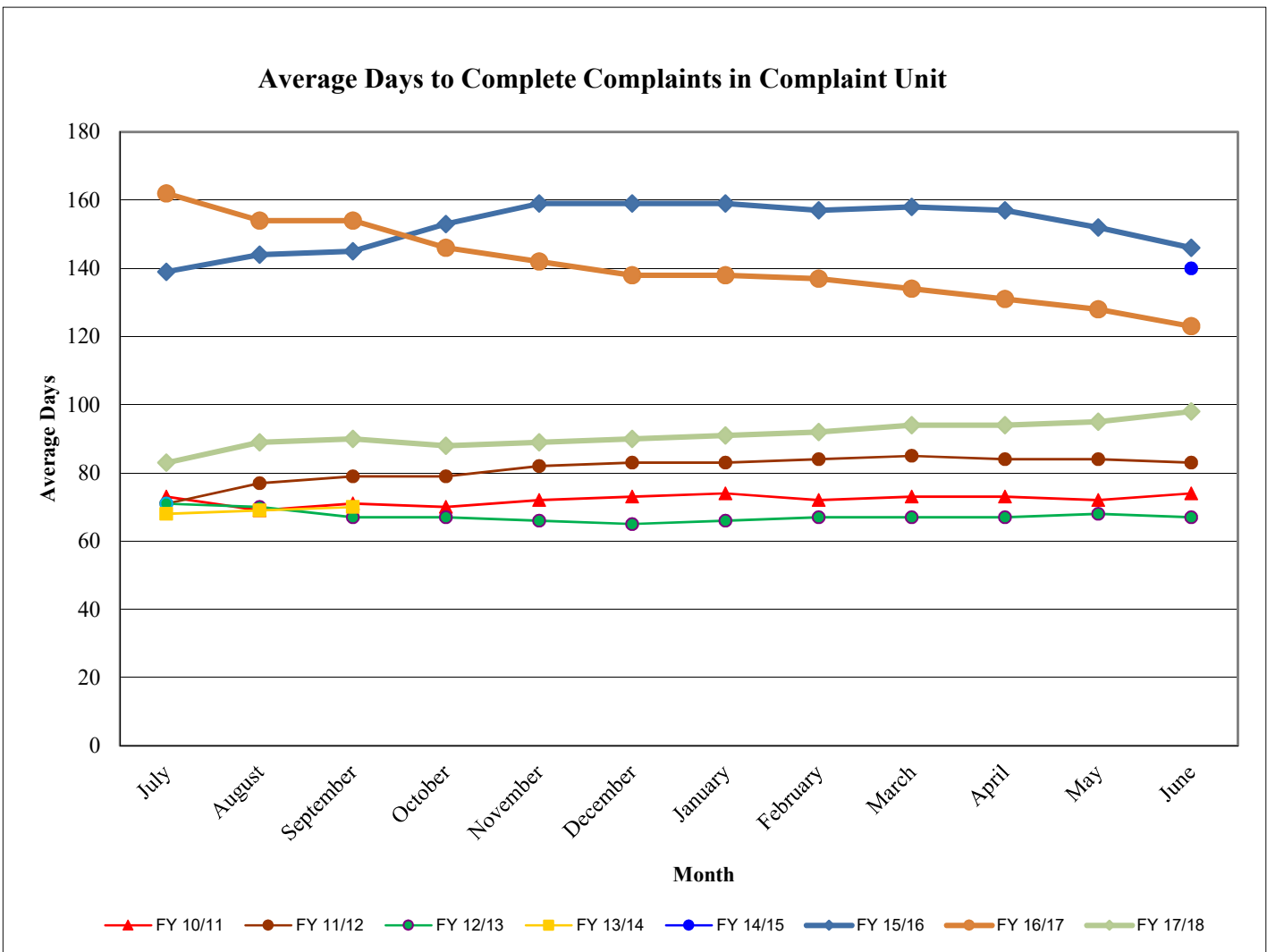
MEDICAL SERVICE CODE	Number of cases reviewed by Experts July 1, 2017 through June 30, 2018	Number of Experts utilized from July 1, 2017 through June 30, 2018	Active List Experts
			972

Pulmonology	1	1 expert	18
Radiology	14	11 experts	32
Rheumatology	1	1 expert	8
Sleep Medicine	2	1 expert	5
Surgery	39	35 experts	39
Thoracic Surgery	2	3 experts	11
Urology	26	17 experts	22
Vascular Surgery	3	3 experts	6

TOTAL CASES REVIEWED (July 1, 2017 through June 30, 2018)	809
TOTAL EXPERTS UTILIZED (July 1, 2017 through June 30, 2018)	344
TOTAL ACTIVE LIST EXPERTS (June 30, 2018)	972

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

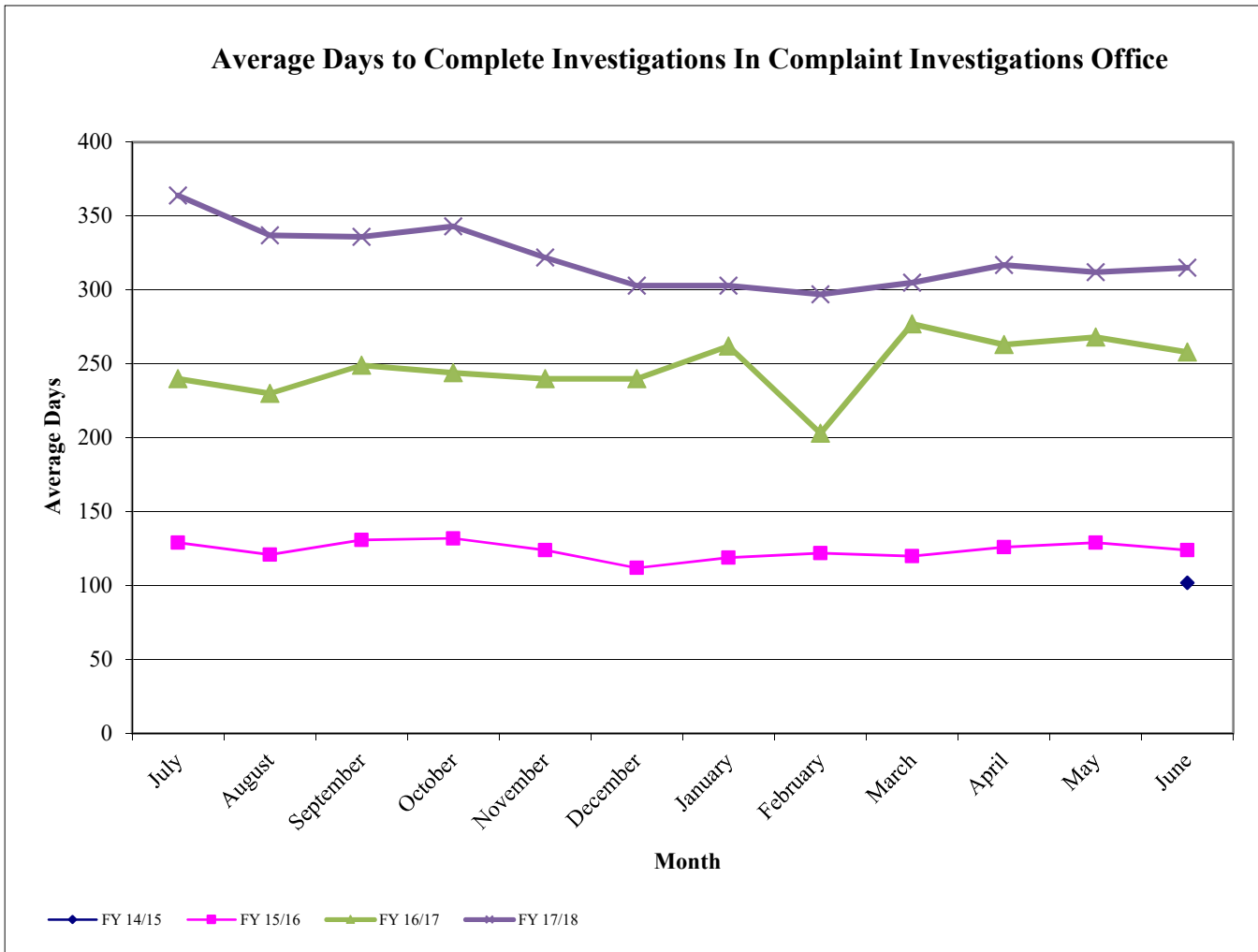
Month	Fiscal Year							
	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18
July	73	71	71	68		139	162	83
August	69	77	70	69		144	154	89
September	71	79	67	70		145	154	90
October	70	79	67			153	146	88
November	72	82	66			159	142	89
December	73	83	65			159	138	90
January	74	83	66			159	138	91
February	72	84	67			157	137	92
March	73	85	67			158	134	94
April	73	84	67			157	131	94
May	72	84	68			152	128	95
June	74	83	67		140	146	123	98



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. Includes physician and surgeon data only.

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

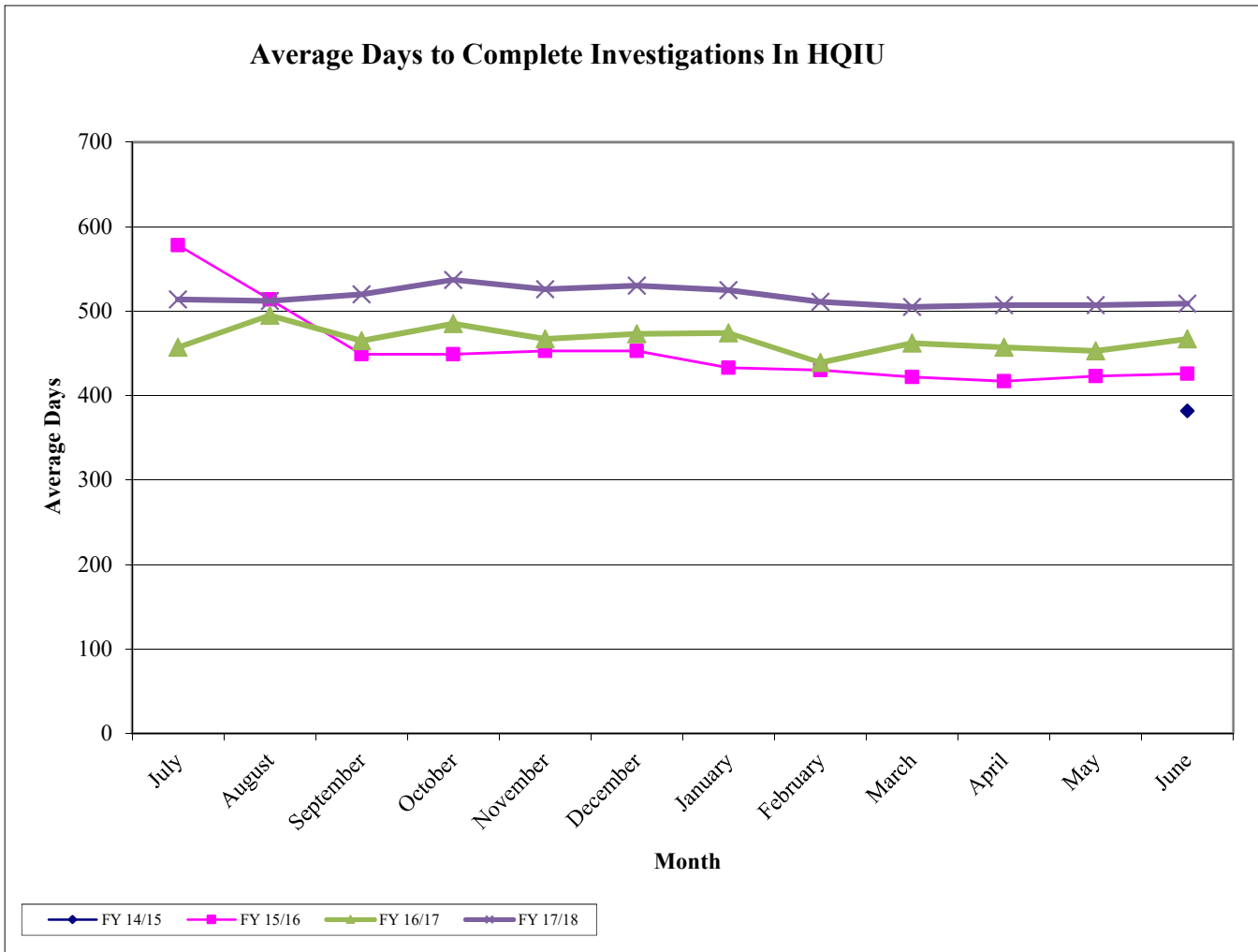
Month	Fiscal Year			
	FY 14/15	FY 15/16	FY 16/17	FY 17/18
July		129	240	364
August		121	230	337
September		131	249	336
October		132	244	343
November		124	240	322
December		112	240	303
January		119	262	303
February		122	203	297
March		120	277	305
April		126	263	317
May		129	268	312
June	102	124	258	315



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). Includes physician and surgeon data only.

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

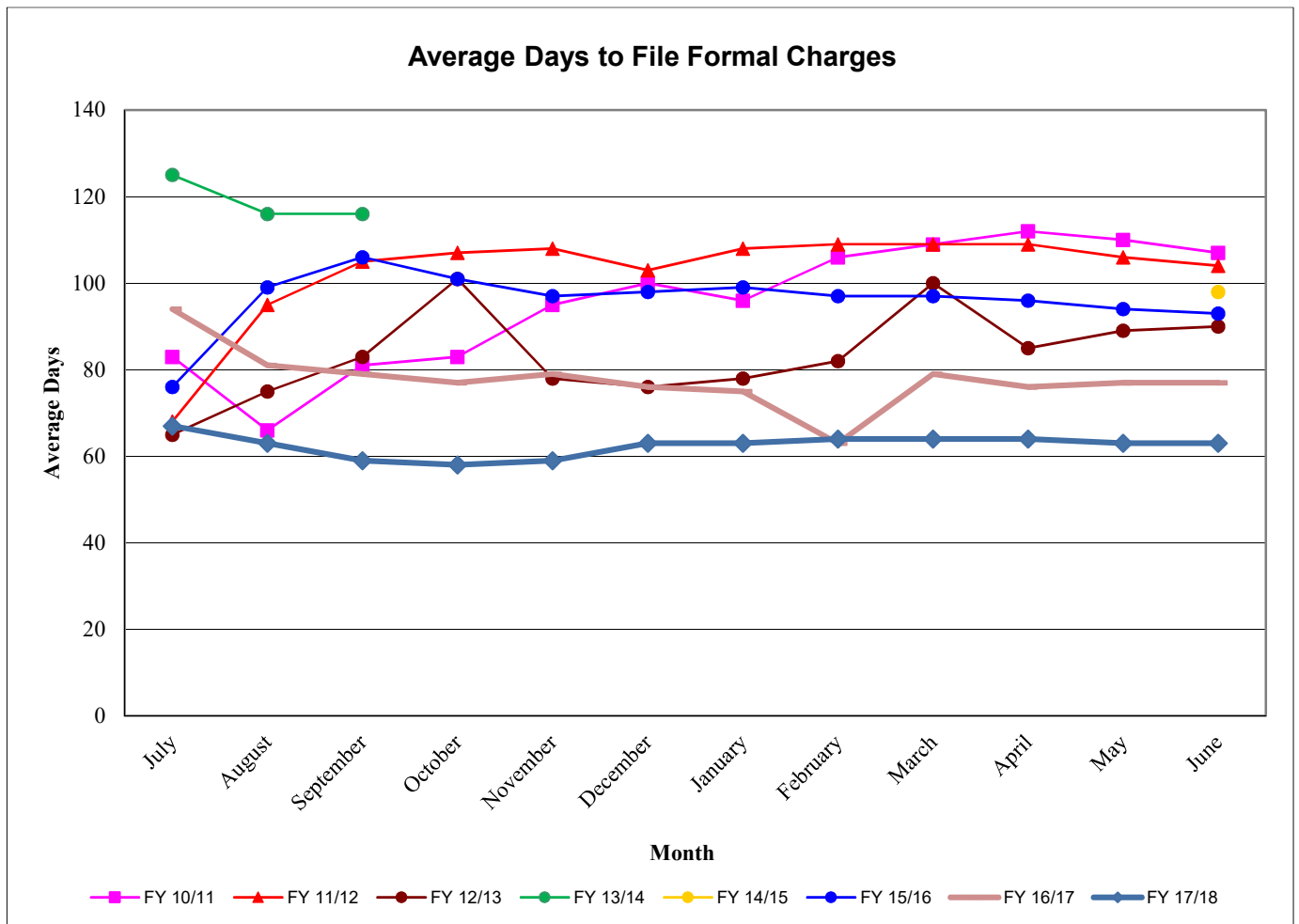
Month	Fiscal Year			
	FY 14/15	FY 15/16	FY 16/17	FY 17/18
July		578	457	514
August		514	495	512
September		449	465	520
October		449	485	537
November		453	467	526
December		453	473	530
January		433	474	525
February		430	439	511
March		422	462	505
April		417	457	507
May		423	453	507
June	382	426	467	509



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 11 days through June 2018. Includes physician and surgeon data only.

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

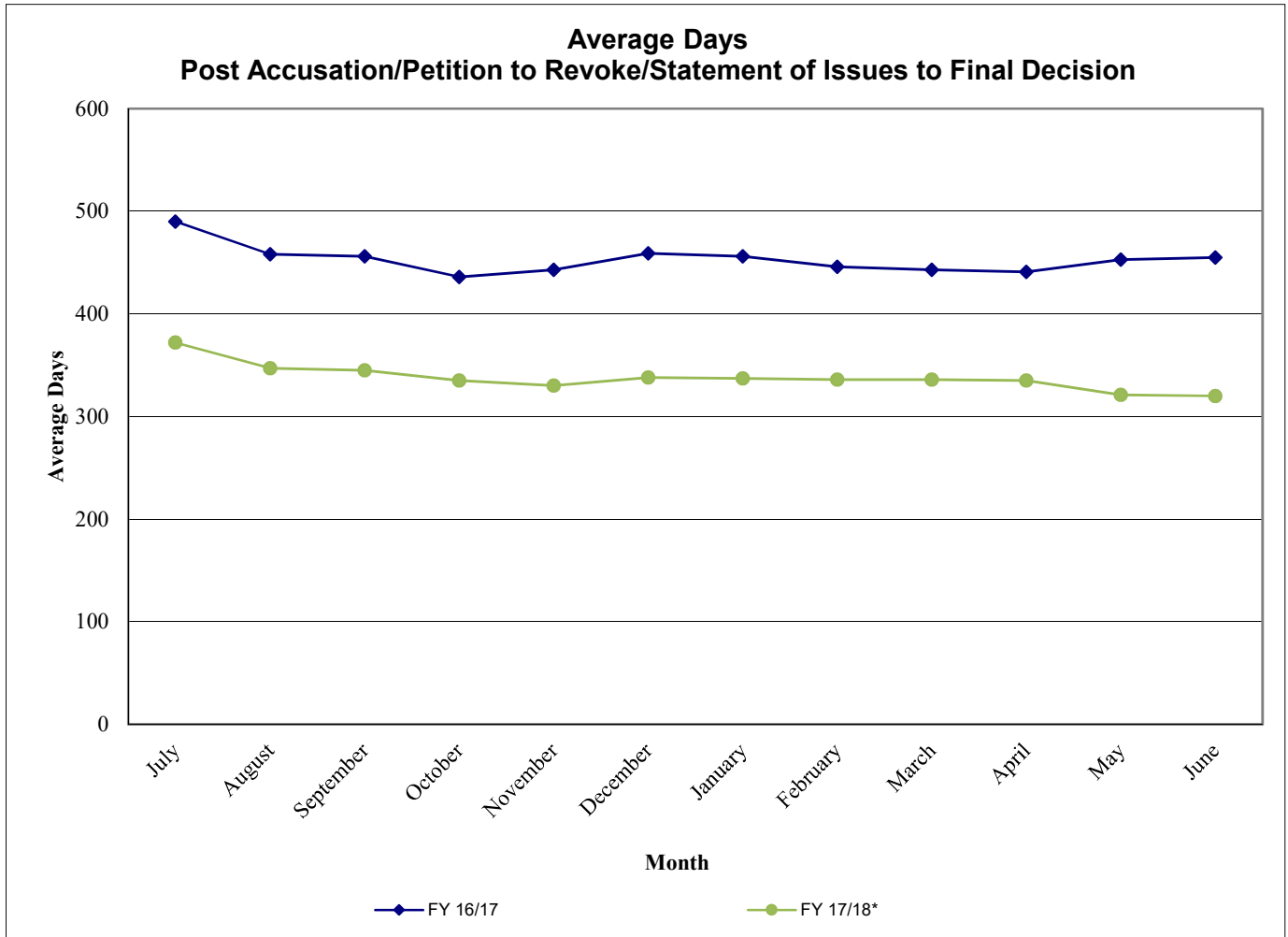
Month	Fiscal Year							
	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18
July	83	68	65	125		76	94	67
August	66	95	75	116		99	81	63
September	81	105	83	116		106	79	59
October	83	107	101			101	77	58
November	95	108	78			97	79	59
December	100	103	76			98	76	63
January	96	108	78			99	75	63
February	106	109	82			97	63	64
March	109	109	100			97	79	64
April	112	109	85			96	76	64
May	110	106	89			94	77	63
June	107	104	90		98	93	77	63



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. Includes physician and surgeon data only.

Medical Board of California Enforcement Program Agenda Item 10B
Average Days Post Accusation/Petition to Revoke/Statement of Issues
to Final Decision

Month	Fiscal Year	
	FY 16/17	FY 17/18*
July	490	372
August	458	347
September	456	345
October	436	335
November	443	330
December	459	338
January	456	337
February	446	336
March	443	336
April	441	335
May	453	321
June	455	320



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

*The version of this report included records that were correctly documented in the legacy system but were incorrectly converted into the BreZE system. This resulted in, changes to the average days. Includes physician

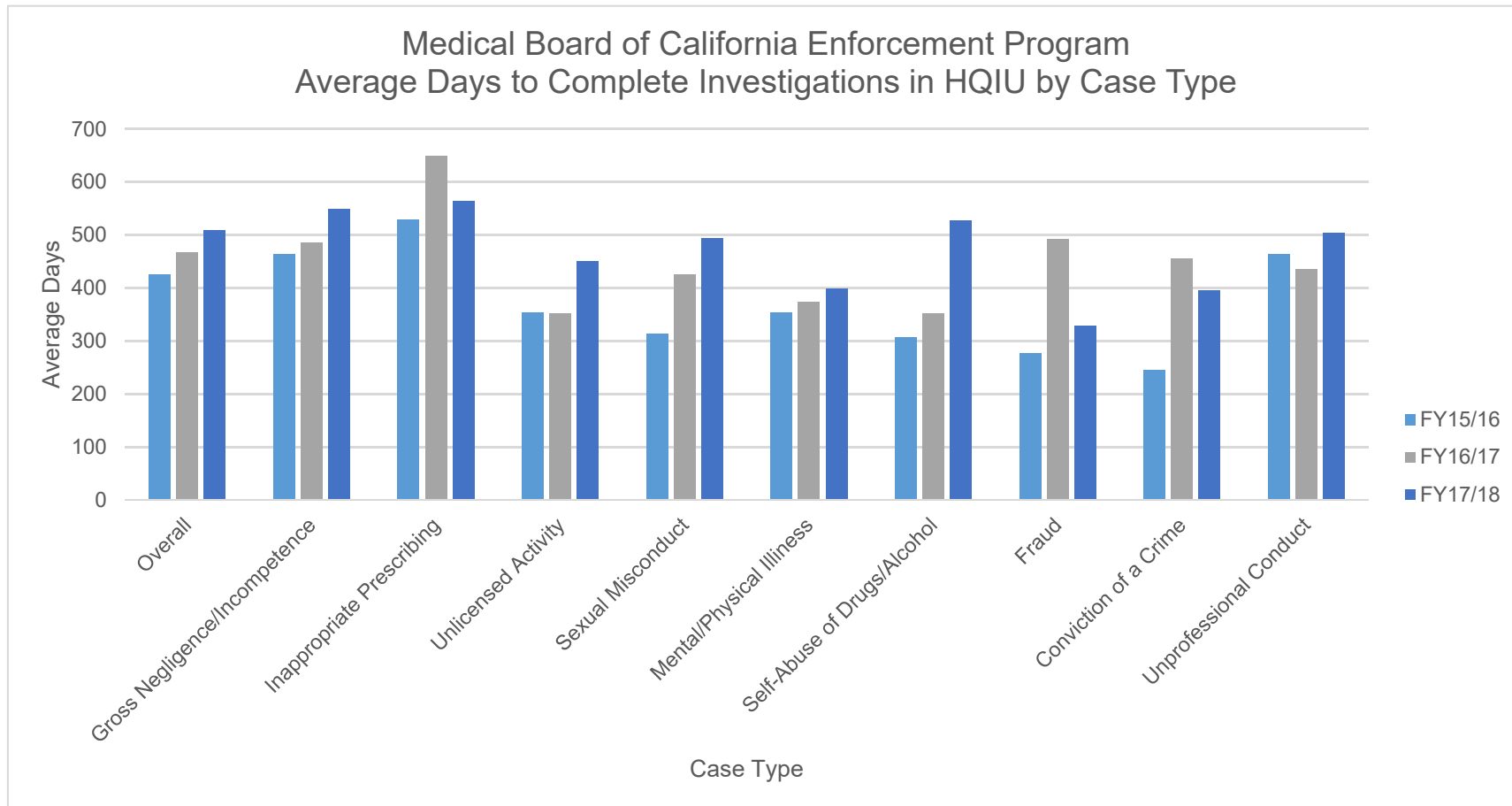
ENFORCEMENT TIMEFRAMES

FISCAL YEARS	2009 - 2010		2010 - 2011		2011 - 2012		2012 - 2013		2013 - 2014		2014 - 2015 ¹		2015 - 2016		2016 - 2017		2017 - 2018	
	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	98	59
INVESTIGATION PROCESSING - MBC-CIO											102	57	124	52	258	203	315	245
INVESTIGATION PROCESSING - HQUI											382	352	426	367	467	431	509	483
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	145	71
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	0.40	0.19
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	51
POST ACCUSATION/PTR/SOI	368	312	417	324	396	350	435	366	443	402	459	392	453	378	455	368	320	284
ACCUSATION DECLINED BY AG											44	23	56	31	25	14	114	19
TOTAL AG																		
DAYS	474	378	524	396	500	428	525	441	553	488	473	413	479	393	473	328	324	286
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	0.89	0.78
TOTAL MBC & AG																		
DAYS	878	733	910	756	847	717	860	740	865	736	956	927	967	919	1034	1040	924	937
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	2.53	2.57

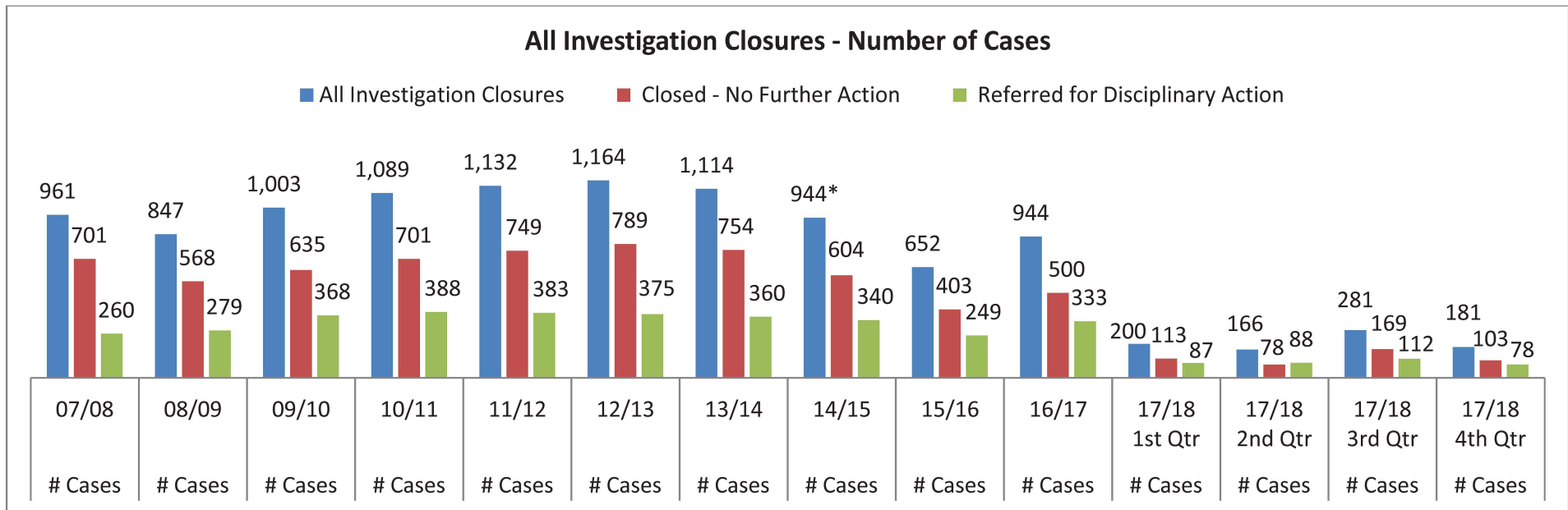
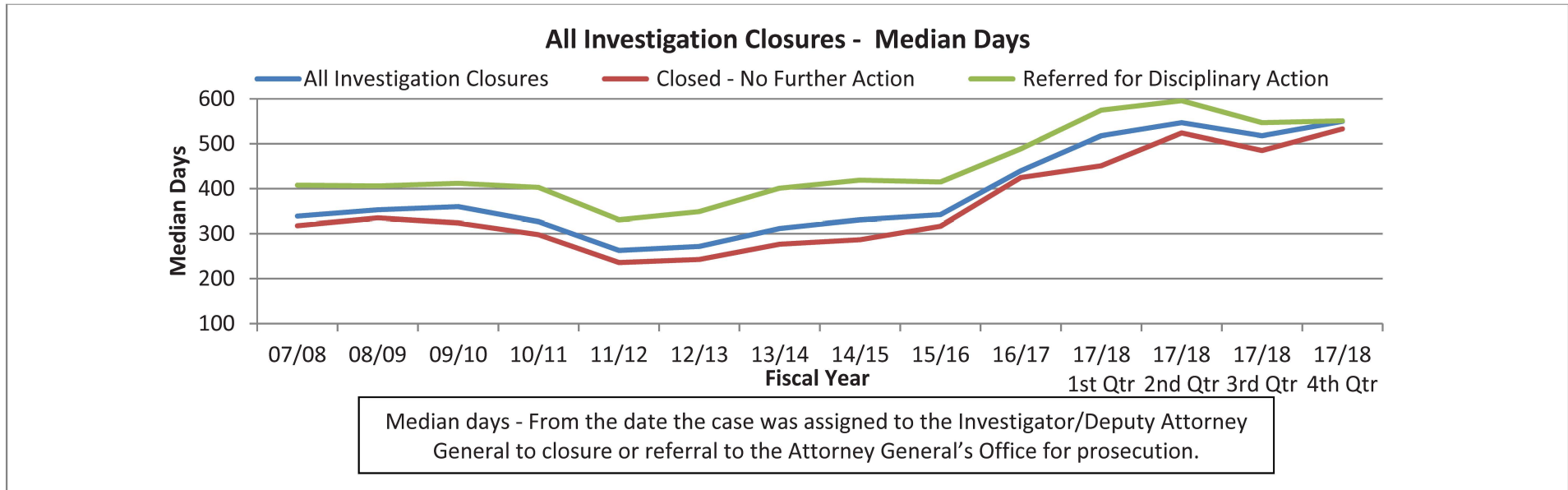
Years calculated using 365 days per year

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.

Includes physician and surgeon data only.



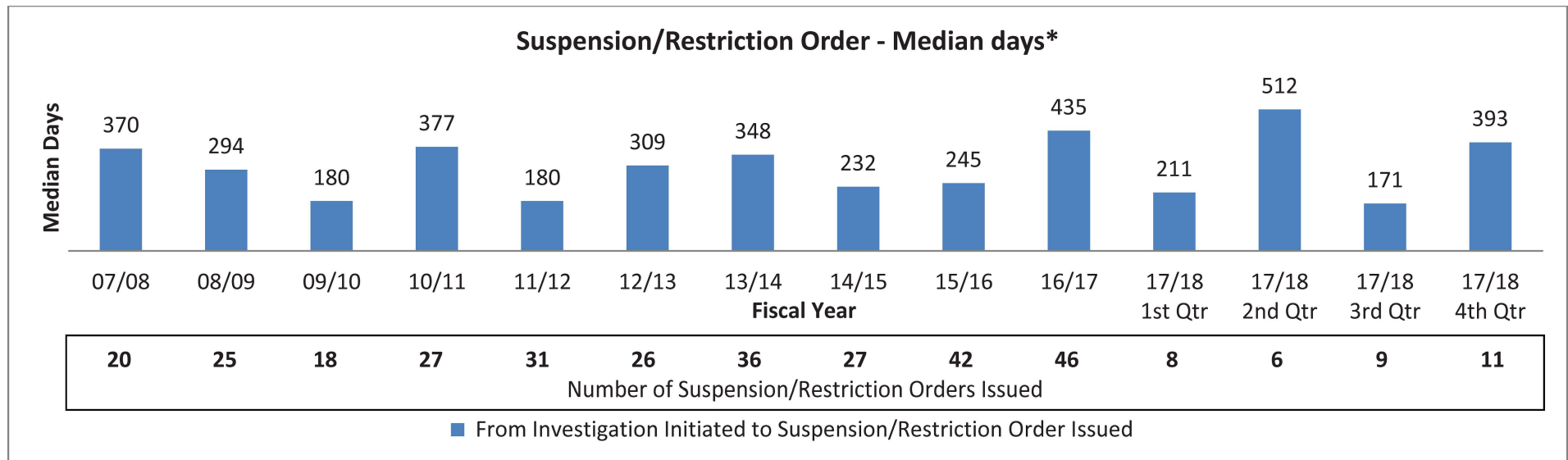
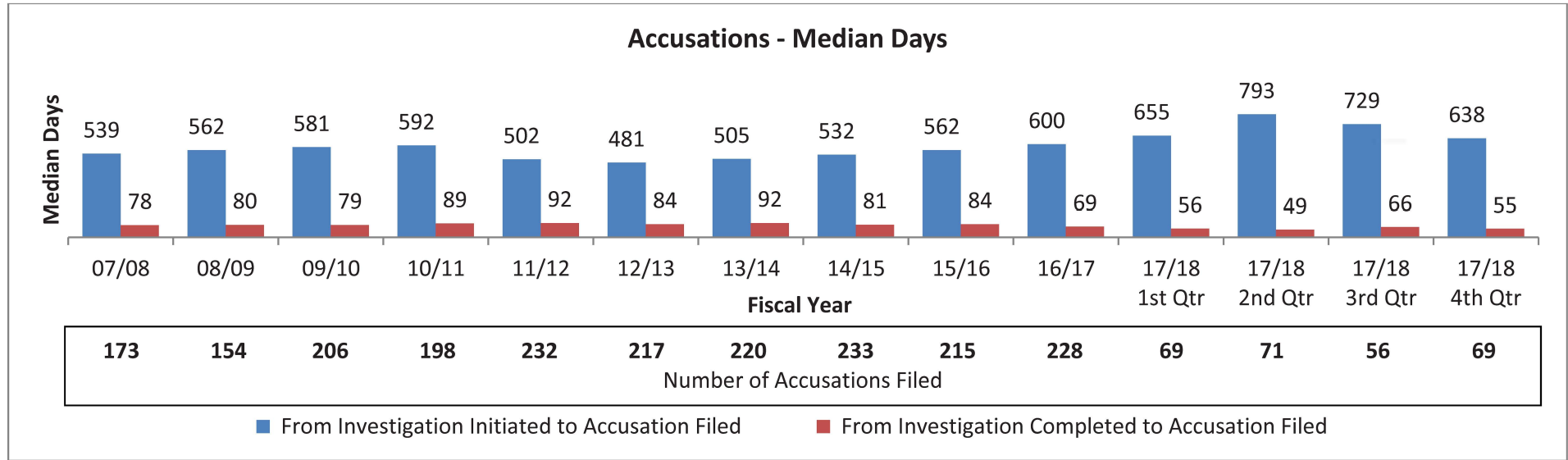
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* This decrease is due to the Board initiating, in July 2014, a complaint investigation office of non-sworn special investigators who began investigating cases that would have been sent to HQIU.

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.

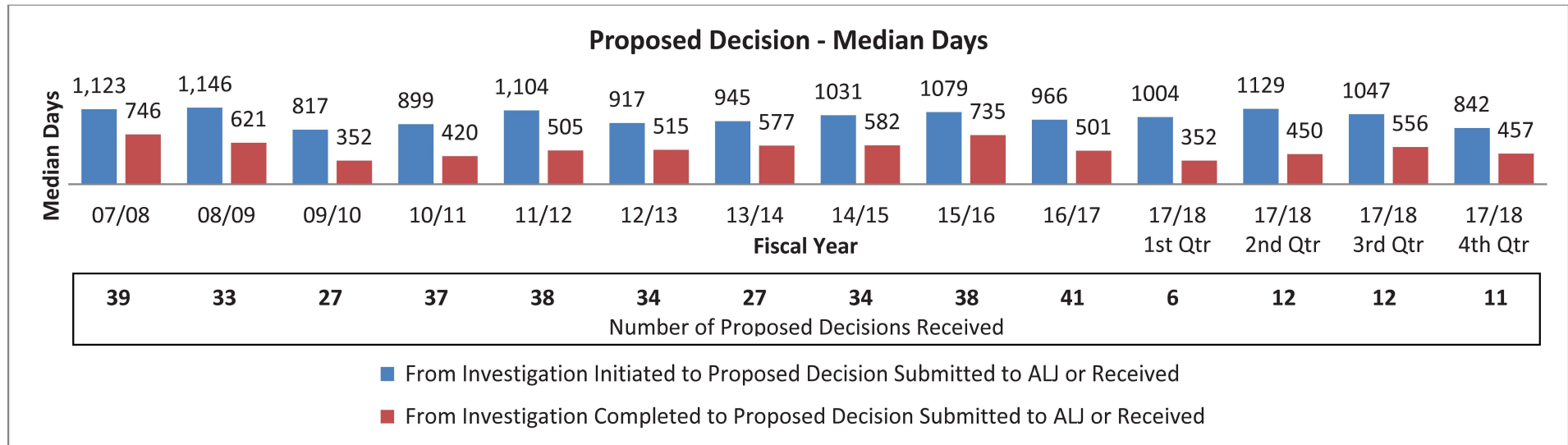
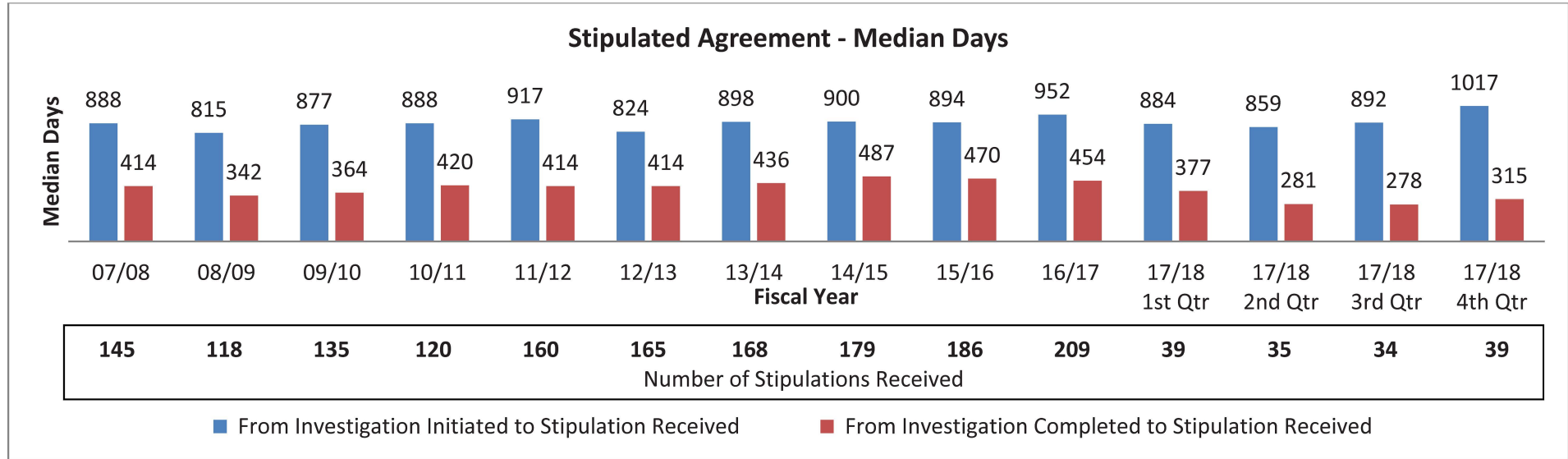
Vertical Enforcement/Prosecution Cases - Median Days



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.

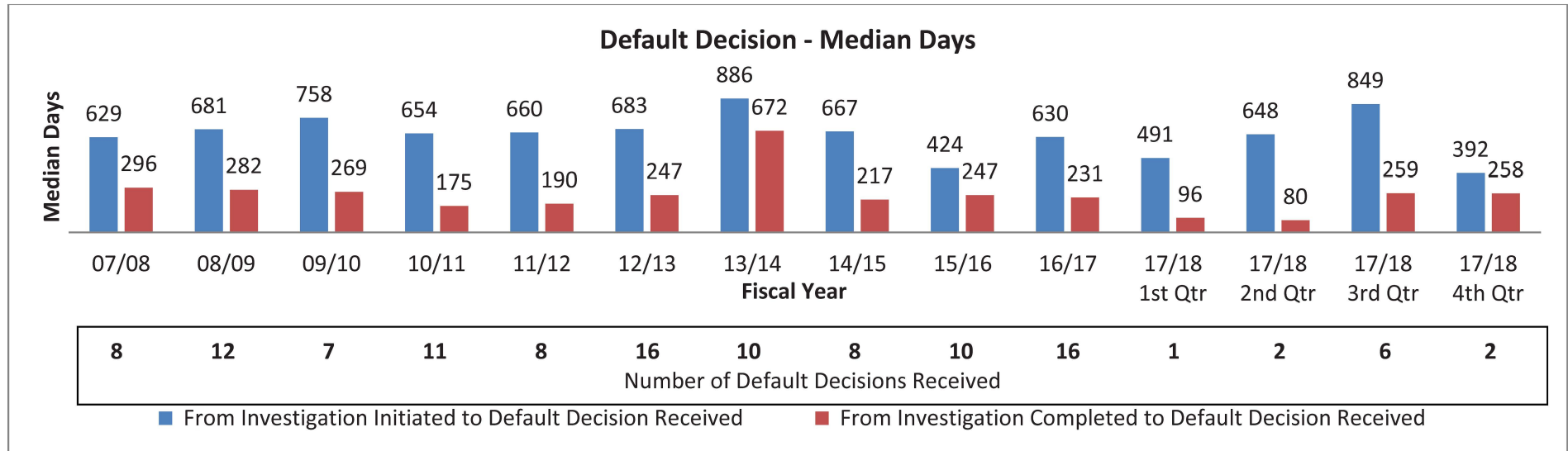
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Vertical Enforcement/Prosecution Cases - Median Days



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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.