

**MEDICAL BOARD STAFF REPORT**

DATE REPORT ISSUED: October 2, 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 962 active experts in the Board's expert database and 100 experts were utilized to review 134 cases from July 1, 2018 through September 30, 2018. **(See BRD 8B 6 - 8)**. 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 September 22, 2018, at the Los Angeles County - University of Southern California's Medical Center and another training is scheduled on October 6, 2018, at the Medical Board of California's headquarter office in Sacramento, California.

Central Complaint Unit:

The average number of days to initiate a complaint in the Central Complaint Unit (CCU) is 13 days for the first quarter of FY 2018-2019. During the months of August and September, the Chief of Enforcement and CCU managers developed a new case initiation process that will assist the CCU in meeting the 10-day mandated timeframe to notify a complainant of the initial action

taken on a complaint. The new process was implemented on October 1, 2018, and as of the date of this enforcement report, the average number of days to initiate a complaint is eight days.

The average days to complete a complaint in the CCU is 138 days. The increase to the average processing time is due to staff vacancies. Currently, CCU has two vacant associate governmental program analyst (AGPA) positions and two vacant staff service analyst (SSA) positions. An interview for one SSA position was held and management is finalizing the hiring process. All other vacant positions were advertised and interviews are expected to take place in October.

The two staff services manager I (SSMI) vacancies mentioned in the previous enforcement summary have been filled. The managers started in CCU on August 20, 2018.

#### Discipline Coordination Unit:

The full-time office technician that was out on extended leave in the Discipline Coordination Unit (DCU) returned to work in September. DCU currently has one vacant SSA position as the incumbent employee was promoted within the Board. This vacancy is expected to be advertised by mid-October, and interviews held in November.

#### Complaint Investigation Office:

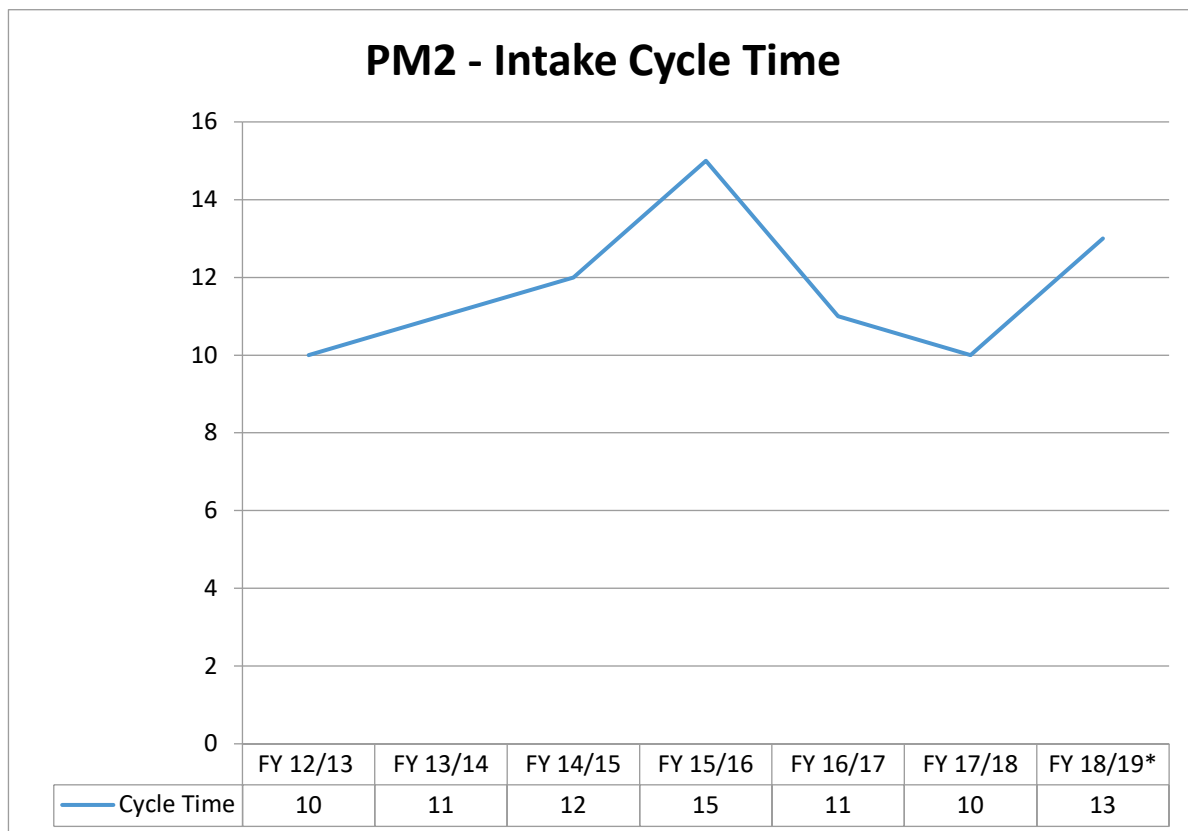
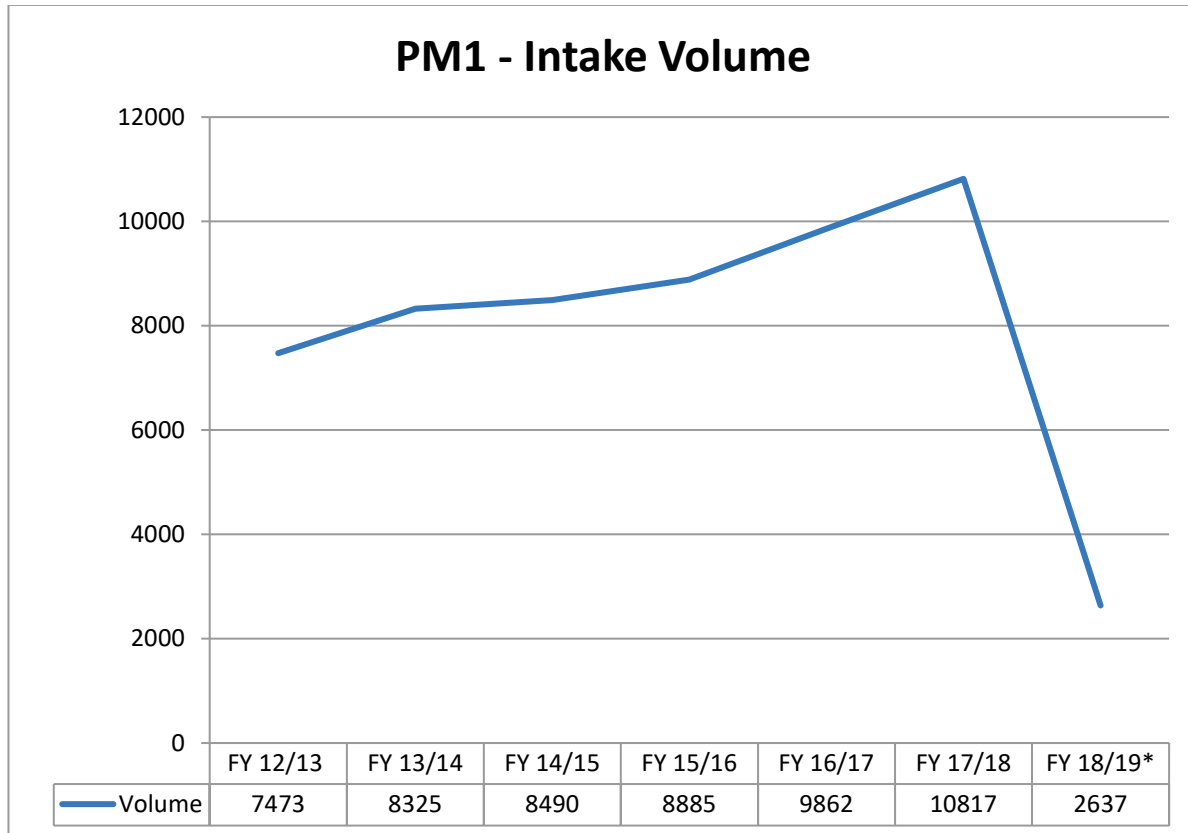
The Complaint Investigation Office (CIO) non-sworn special investigators currently have a case load of approximately 215 cases. Since the last enforcement summary, CIO has closed 95 cases and has transmitted 25 cases to the Attorney General's Office (AGO) – 5 malpractice cases, 17 criminal conviction cases, and 3 petitions for reinstatement of licensure. In addition, CIO referred one case to DCU for a public letter of reprimand. The average number of days for CIO to complete an investigation is 306 days.

#### Probation Unit:

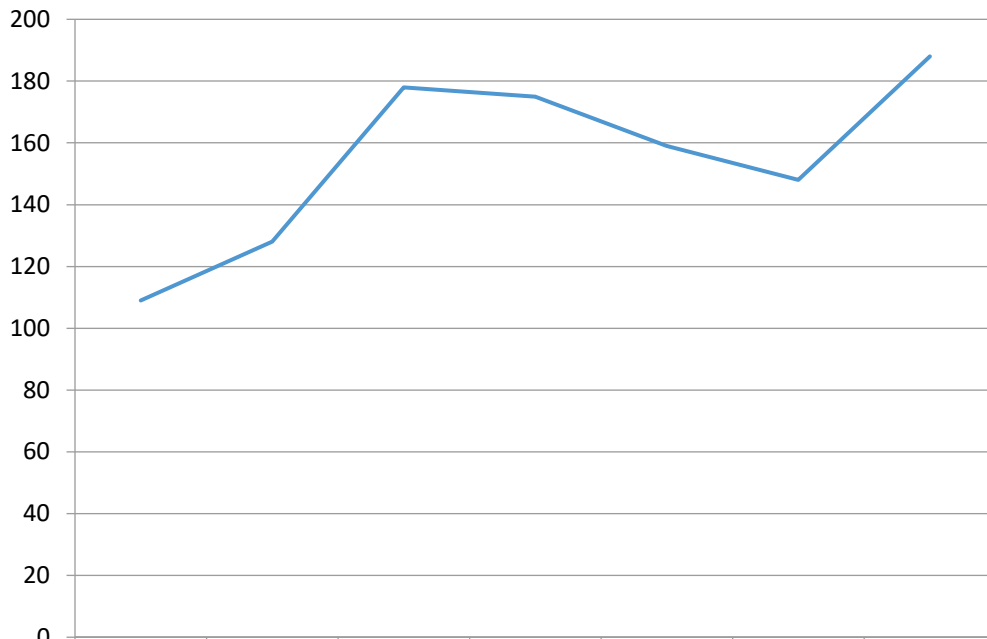
The Probation Unit currently has one vacant inspector I position in the Sacramento field office. This vacancy was advertised; however, there were no eligible candidates so the position is being re-advertised. The Probation Unit also has one vacant SSMI position as the employee retired from state service on September 30, 2018.

#### 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, 17/18 from July 1, 2018 to September 30, 2018.

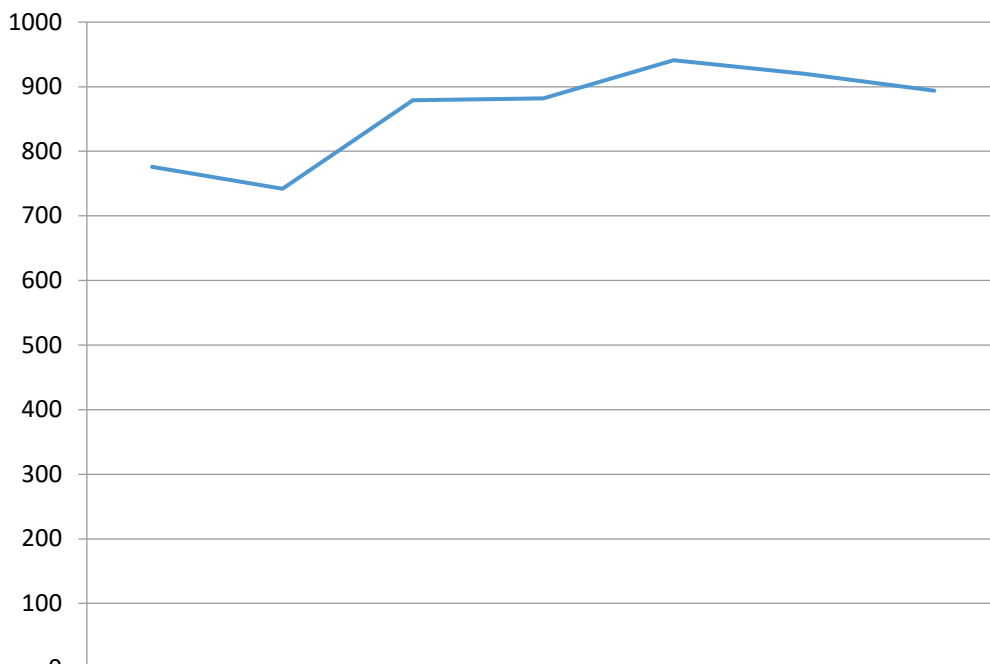


### PM3 - Intake and Investigation Cycle Time



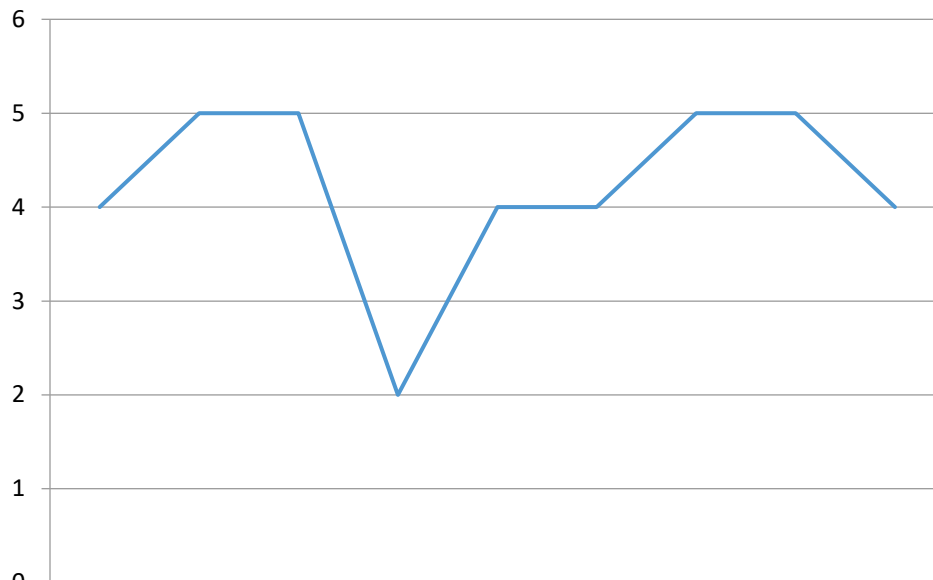
	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19*
Cycle Time	109	128	178	175	159	148	188

### PM4 - Formal Discipline Cycle Time



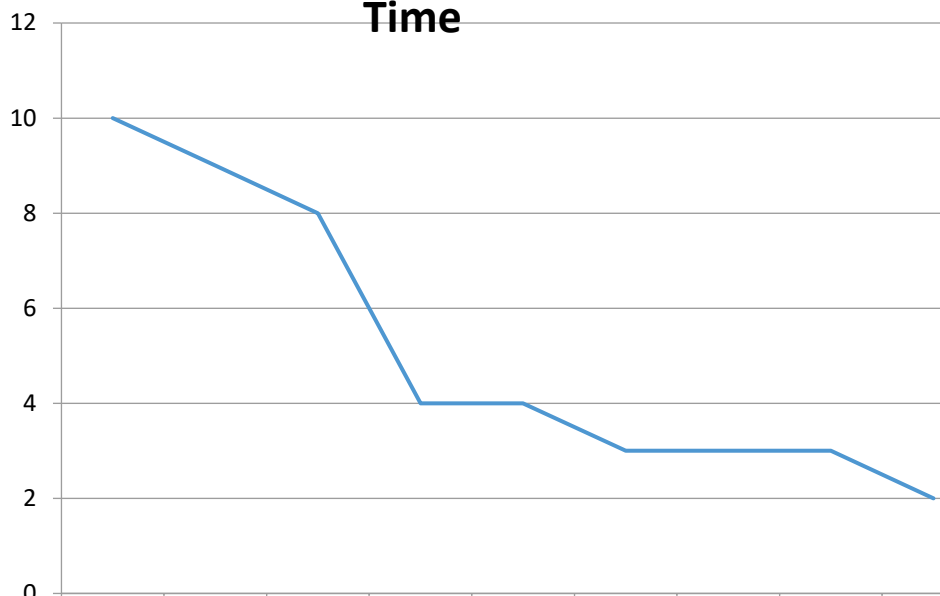
	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19*
Cycle Time	776	742	879	882	941	920	894

### PM7 - Probation Intake Cycle Time



— Cycle Time	4	5	5	2	4	4	5	5	4
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### PM8 - Probation Violation Response Cycle Time



— Cycle Time	10	9	8	4	4	3	3	3	2
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## Medical Board of California Expert Reviewer Program Report

### Utilization of Experts First Quarter FY 2018-19

SPECIALTY	Number of cases reviewed by Experts (July 1 through September 30, 2018)	Number of Experts and how often utilized (July 1 through September 30, 2018)	Active List Experts  962
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ADDICTION MEDICINE	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH	9
ALLERGY & IMMUNOLOGY (A&I)			5
ANESTHESIOLOGY (Anes)	2	1 EXPERT 1 LIST EXPERT REVIEWED 2 CASES	66
COLON & RECTAL SURGERY (CRS)			3
COMPLEMENTARY/ALTERNATIVE MEDICINE	1	1 EXEPRT 1 LIST EXPERT	14
DERMATOLOGY (D)	3	2 EXPERTS 1 LIST EXPERT REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES	10
DIAGNOSTIC RADIOLOGY (RAD)			31
EMERGENCY (EM)	4	3 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASES	49
FAMILY (FM)	19	13 EXPERTS 9 LIST EXPERTS REVIEWED 1 CASE EACH 3 LIST EXPERTS REVIEWED 2 CASES EACH 4 LIST EXPERT REVIEWED 1 CASES EACH	67
INTERNAL (General Internal Med)	23	15 EXPERTS 11 LIST EXPERTS REVIEWED 1 CASE EACH 4 LIST EXPERTS REVIEWED 3 CASES	96
Cardiology/ Cardiovascular Disease	3	3 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE EACH	27
Endocrinology, Diabetes and Metabolism (EDM)	1	1 EXPERT 1 LIST EXPERT	7
Gastroenterology (Ge)	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH	19
Infectious Disease (Inf)			11
Medical Oncology (Onc)			9
Nephrology (Nep)			13

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

**Utilization of Experts  
First Quarter FY 2018-19**

<b>SPECIALTY</b>	<b>Number of cases reviewed by Experts</b> (July 1 through September 30, 2018)	<b>Number of Experts and how often utilized</b> (July 1 through September 30, 2018)	<b>Active List Experts</b>  962
Pulmonary Disease (Pul)			21
Rheumatology (Rhu)			8
MIDWIFE REVIEWER			6
NEUROLOGICAL SURGERY (NS)	3	<b>2 EXPERTS</b> 1 LIST EXPERT REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES	9
NEUROLOGY (N)	2	<b>2 EXPERTS</b> 2 LIST EXPERTS REVIEWED 1 CASE EACH	27
NEUROLOGY with Special Qualifications in Child Neurology (N/ChiN)			2
OBSTETRICS & GYNECOLOGY (ObG)	11	<b>8 EXPERTS</b> 6 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES	77
OPHTHALMOLOGY (Oph)	6	<b>6 EXPERTS</b> 6 LIST EXPERTS REVIEWED 1 CASE EACH	28
ORTHOPAEDIC SURGERY (OrS)	3	<b>3 EXPERTS</b> 3 LIST EXPERTS REVIEWED 1 CASE EACH	33
OTOLARYNGOLOGY (Oto)			22
PAIN MEDICINE (PM)	7	<b>4 EXPERTS</b> 2 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES	21
PATHOLOGY (Path)			11
PEDIATRICS (Ped)	5	<b>3 EXPERTS</b> 2 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 3 CASES	56
Pediatric Gastroenterology	1	<b>1 EXPERT</b> 1 LIST EXPERT	6

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

**Utilization of Experts  
First Quarter FY 2018-19**

<b>SPECIALTY</b>	<b>Number of cases reviewed by Experts</b> (July 1 through September 30, 2018)	<b>Number of Experts and how often utilized</b> (July 1 through September 30, 2018)	<b>Active List Experts</b>  962
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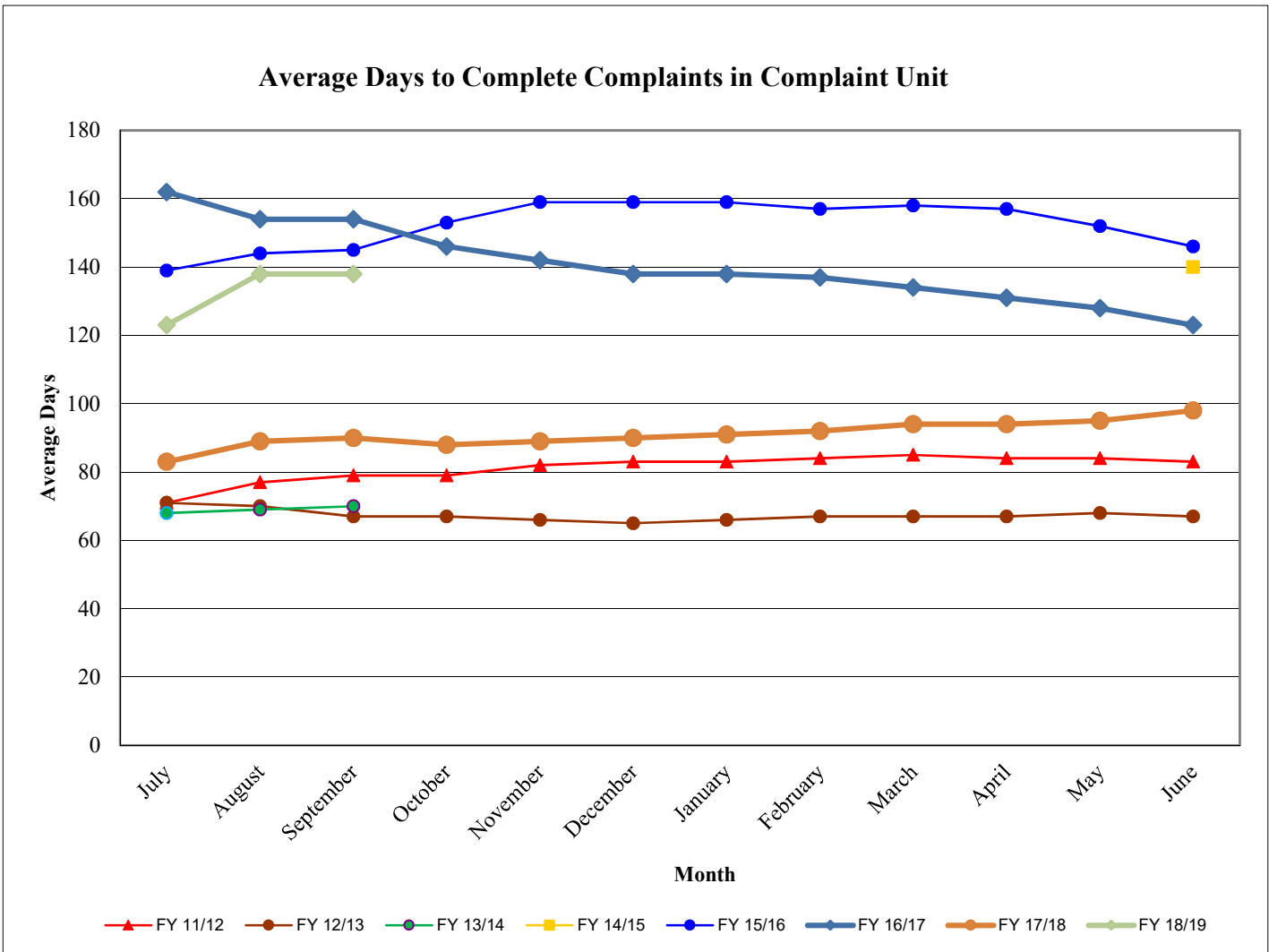
PHYSICAL MEDICINE & REHABILITATION (PMR)	1	1 EXPERT 1 LIST EXPERT	11
PLASTIC SURGERY (PIS)	4	4 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE EACH	47
PSYCHIATRY (Psc)	18	13 EXPERTS 10 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASES	78
Addiction Psychiatry (AdP)	5	3 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 3 CASES	12
SURGERY (S)	3	3 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE EACH	39
Pediatric Surgery (PdS)			2
Vascular Surgery (VascS)			5
THORACIC and CARDIAC SURGERY	1	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH	10
UROLOGY (U)	4	2 EXPERTS 2 LIST EXPERTS REVIEWED 2 CASES EACH	20

TOTAL CASES REVIEWED (1 <sup>ST</sup> QUARTER)	<b>134</b>
TOTAL EXPERTS UTILIZED (1 <sup>ST</sup> QUARTER)	<b>100</b>
TOTAL ACTIVE LIST EXPERTS (10/1/2018)	<b>962</b>



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

Month	Fiscal Year							
	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19
July	71	71	68		139	162	83	123
August	77	70	69		144	154	89	138
September	79	67	70		145	154	90	138
October	79	67			153	146	88	
November	82	66			159	142	89	
December	83	65			159	138	90	
January	83	66			159	138	91	
February	84	67			157	137	92	
March	85	67			158	134	94	
April	84	67			157	131	94	
May	84	68			152	128	95	
June	83	67		140	146	123	98	

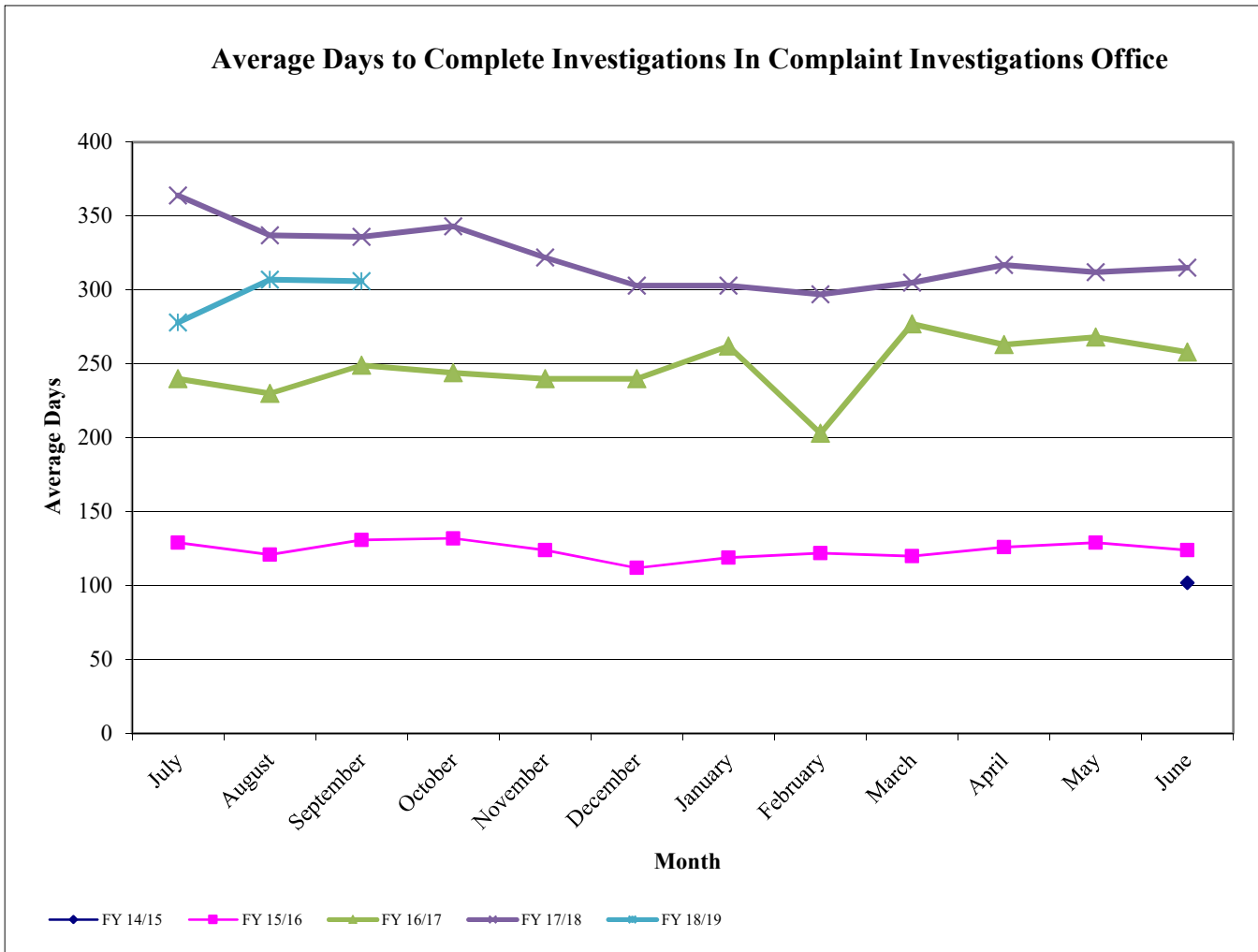


Average Days to Complete Complaints in Complaint Unit includes complaints resolved by Complaint Unit and Complaint Unit processing days for cases completed at field investigation. Includes physician and surgeon data only.

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

**Fiscal Year**

Month	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19
July		129	240	364	278
August		121	230	337	307
September		131	249	336	306
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	

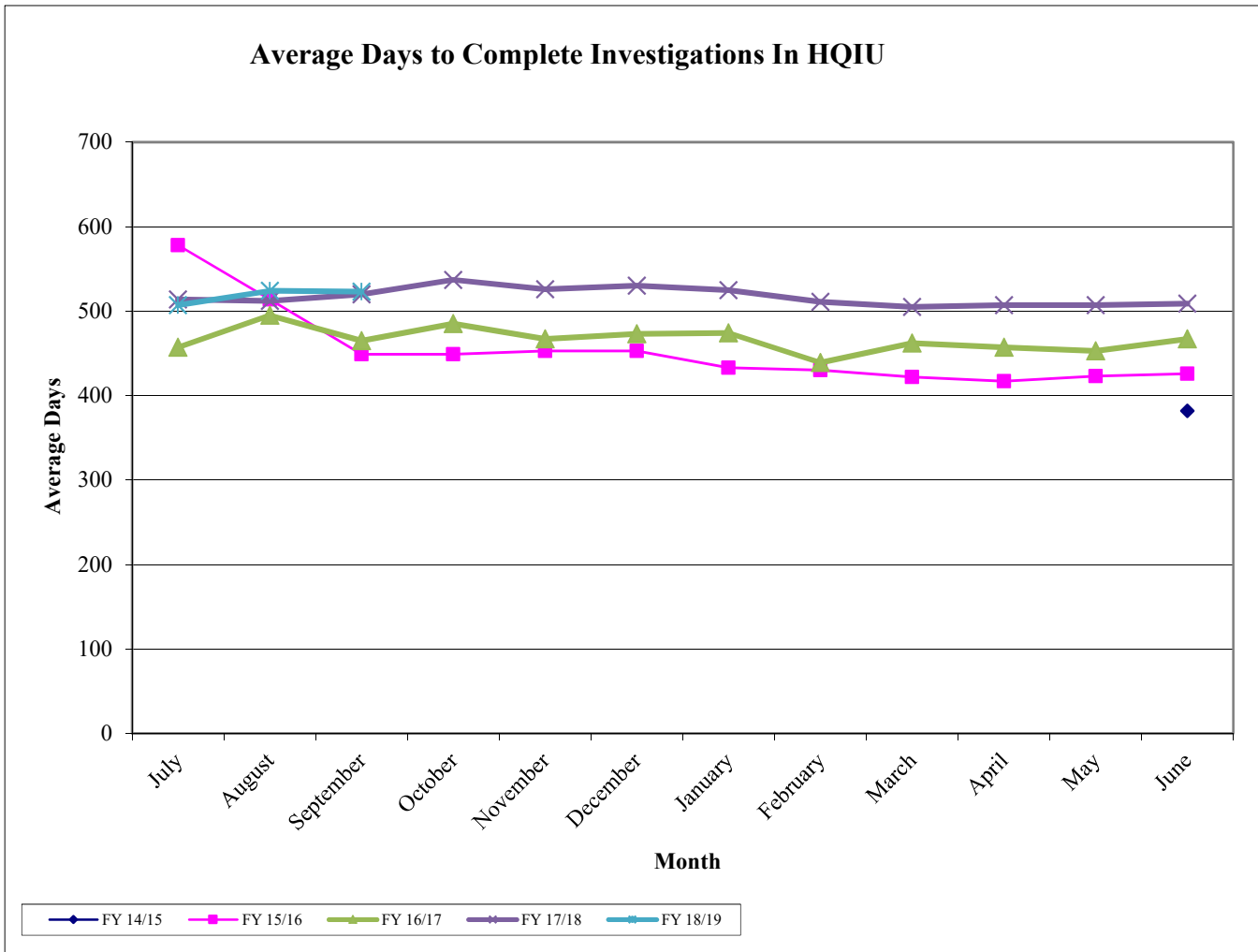


Investigation processing days are from the date case was assigned to Complaint Investigation Office (CIO) Investigator by Complaint Unit until closure or referral (does not include Complaint Unit processing days for complaints completed at CIO). Includes physician and surgeon data only.

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

### Fiscal Year

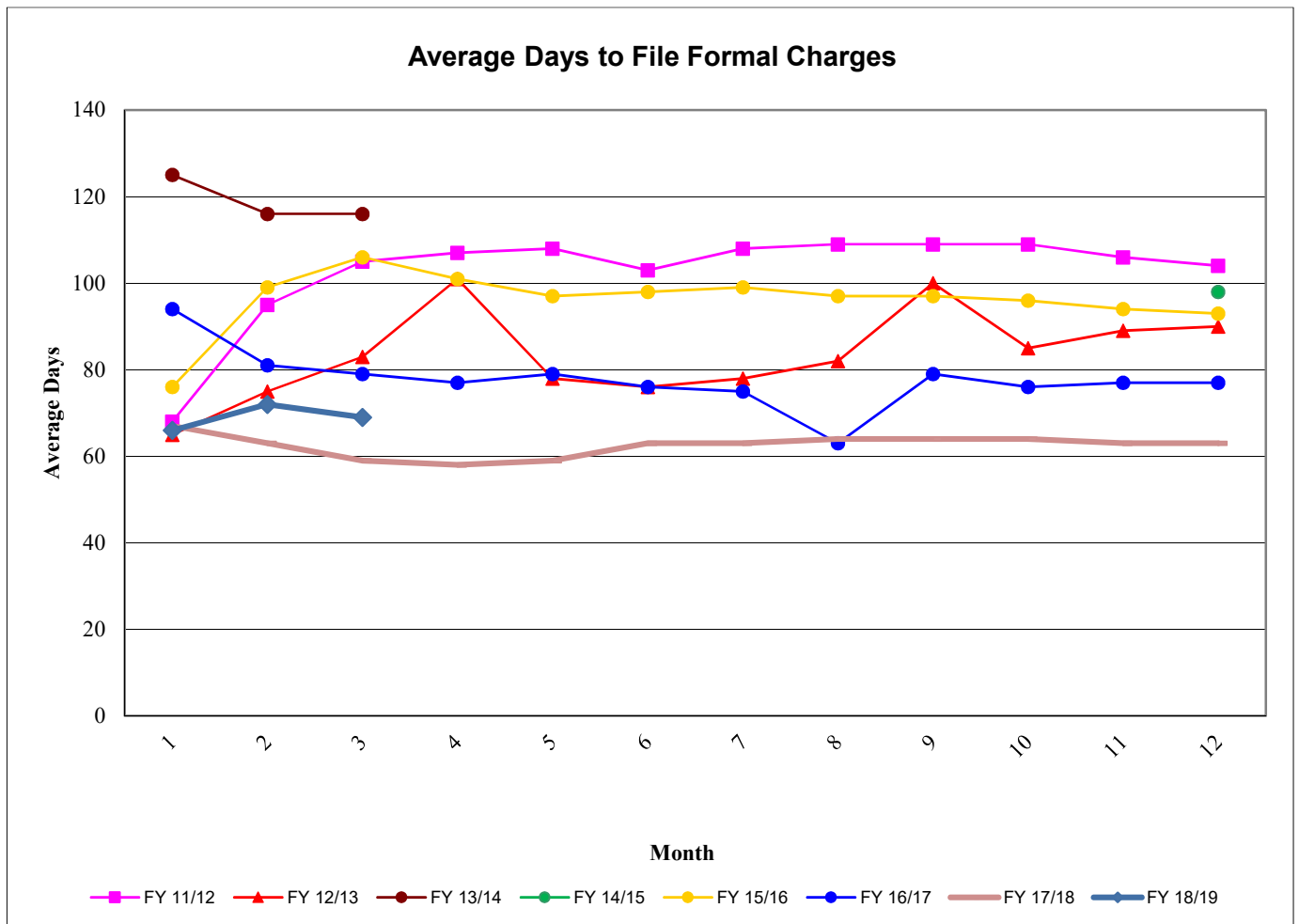
Month	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19
July		578	457	514	507
August		514	495	512	524
September		449	465	520	523
October		449	485	537	
November		453	467	526	
December		453	473	530	
January		433	474	525	
February		430	439	511	
March		422	462	505	
April		417	457	507	
May		423	453	507	
June	382	426	467	509	



Effective 7/1/18 investigation processing days are from the date the case was referred to HQIU for investigation 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 4 days through September 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**

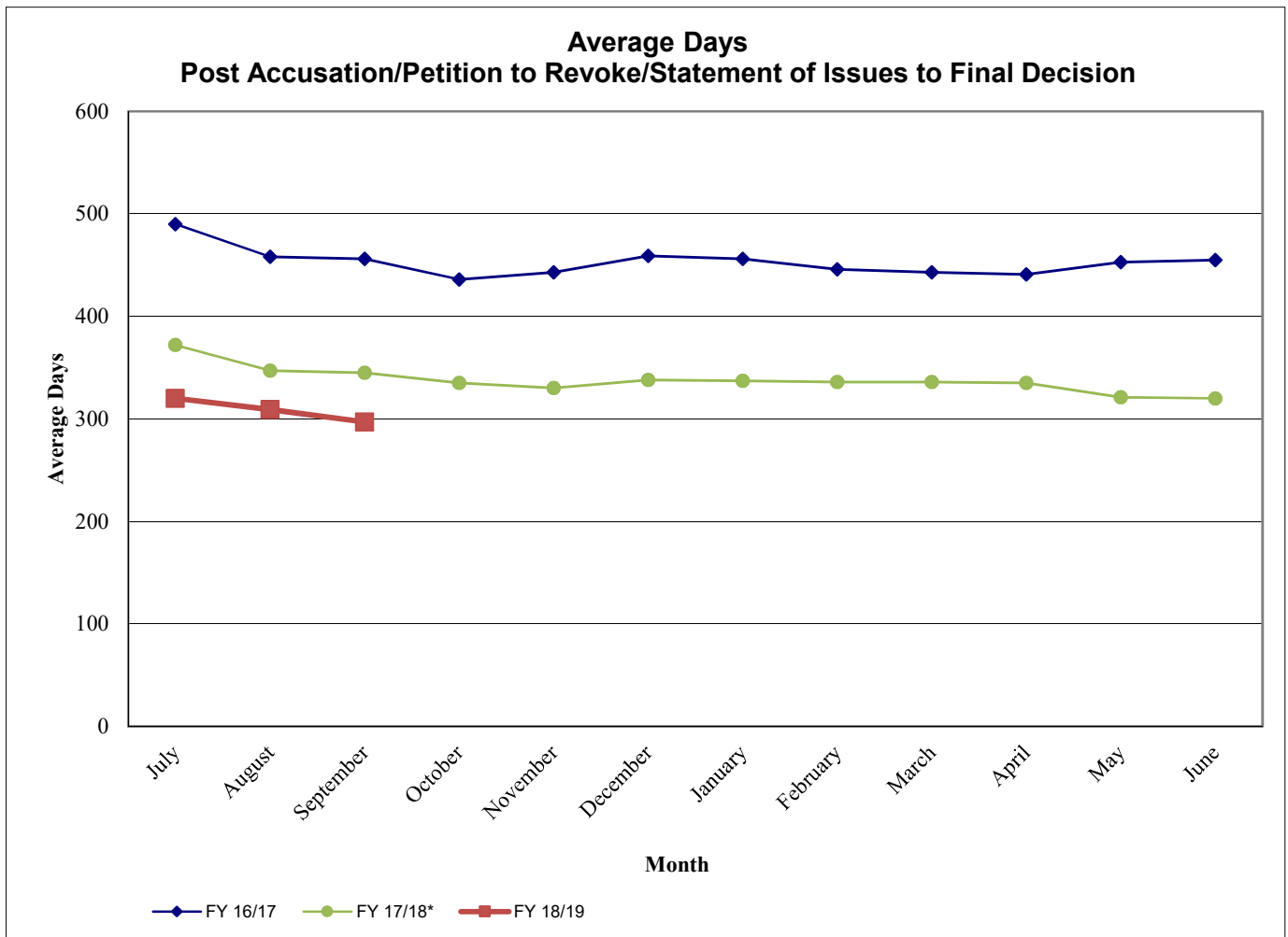
Month	Fiscal Year							
	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19
July	68	65	125		76	94	67	66
August	95	75	116		99	81	63	72
September	105	83	116		106	79	59	69
October	107	101			101	77	58	
November	108	78			97	79	59	
December	103	76			98	76	63	
January	108	78			99	75	63	
February	109	82			97	63	64	
March	109	100			97	79	64	
April	109	85			96	76	64	
May	106	89			94	77	63	
June	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 8B  
**Average Days Post Accusation/Petition to Revoke/Statement of Issues to Final Decision**

Month	Fiscal Year		
	FY 16/17	FY 17/18*	FY 18/19
July	490	372	320
August	458	347	309
September	456	345	297
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

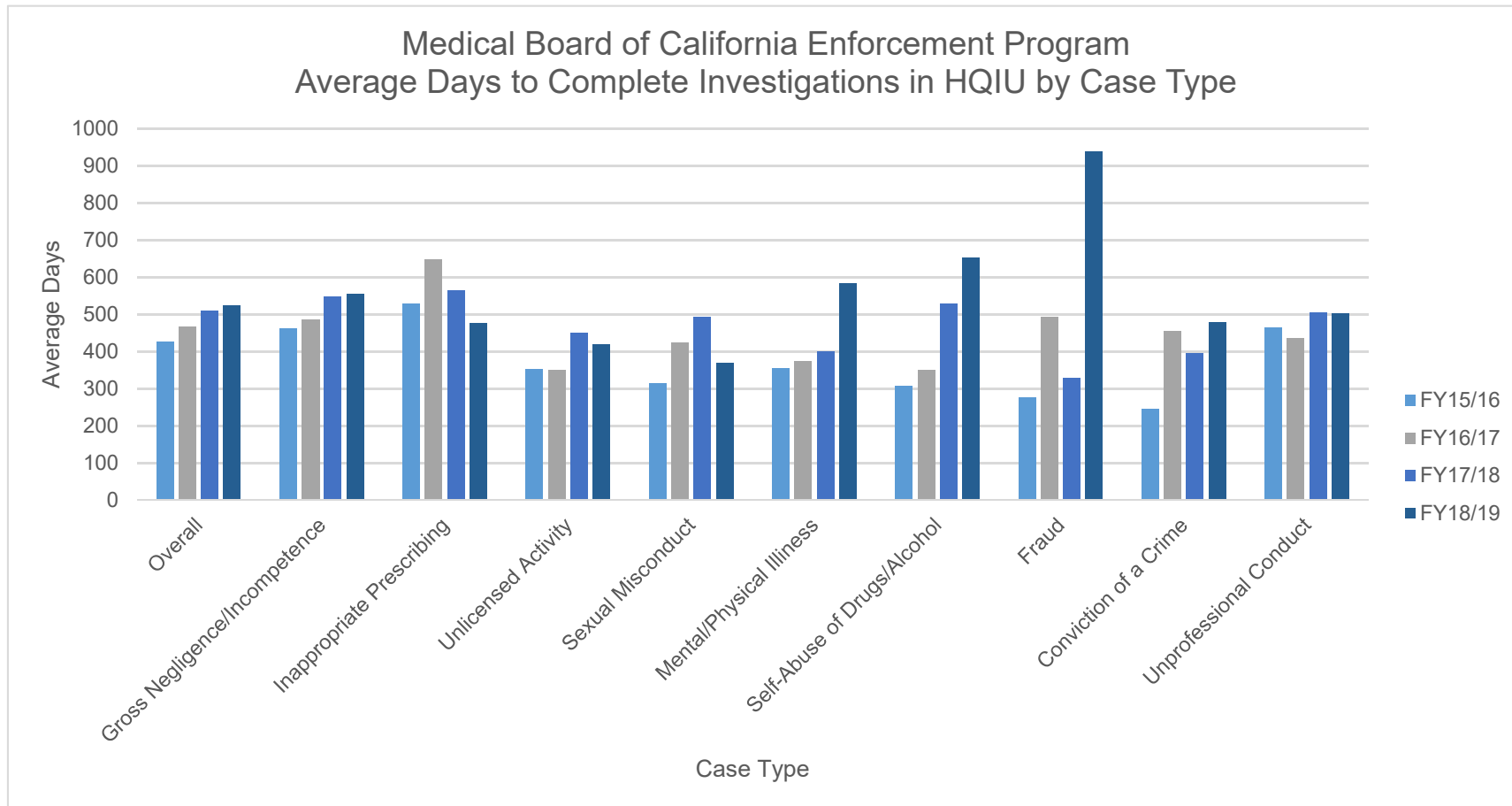
FISCAL YEARS	2010 - 2011		2011 - 2012		2012 - 2013		2013 - 2014		2014 - 2015 <sup>1</sup>		2015 - 2016		2016 - 2017		2017 - 2018		2018 - 2019 <sup>2</sup>	
	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN
COMPLAINT PROCESSING	74	77	83	64	67	54	67	43	140	113	146	119	123	89	98	58	138	112
INVESTIGATION PROCESSING - MBC-CIO									102	57	124	52	258	203	316	251	306	146
INVESTIGATION PROCESSING - HQUI									382	352	426	367	467	431	510	483	523	465
INVESTIGATION PROCESSING - ALL	312	283	264	225	268	245	245	205										
TOTAL MBC & HQUI																		
DAYS	386	360	347	289	335	299	312	248	228	150	230	155	141	104	119	68	176	128
YEARS	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	0.33	0.19	0.48	0.35
AG PREP FOR ACC/PTR/ACC&PTR/SOI	107	72	104	78	90	75	110	86	98	68	93	67	77	62	63	51	69	54
POST ACCUSATION/PTR/SOI	417	324	396	350	435	366	443	402	459	392	453	378	455	368	322	285	297	284
ACCUSATION DECLINED BY AG									44	23	56	31	25	14	114	19	177	216
TOTAL AG																		
DAYS	524	396	500	428	525	441	553	488	473	413	479	393	473	328	327	286	309	299
YEARS	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	0.90	0.78	0.85	0.82
TOTAL MBC & AG																		
DAYS	910	756	847	717	860	740	865	736	956	927	967	919	1034	1040	926	939	956	1069
YEARS	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	2.54	2.57	2.62	2.93

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.

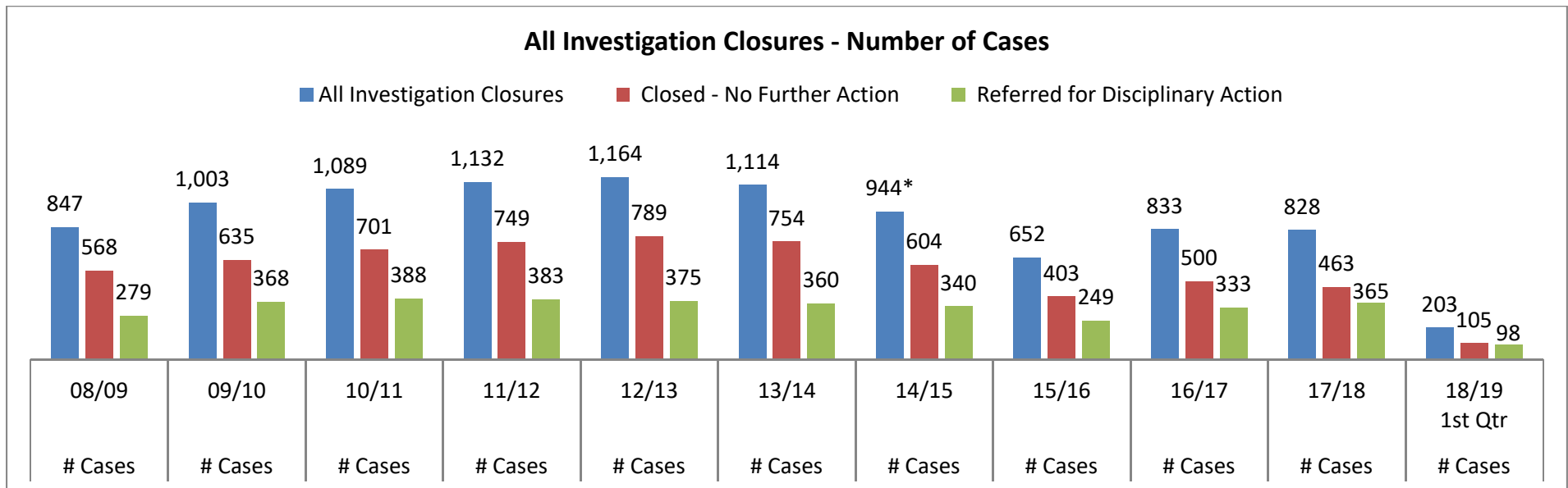
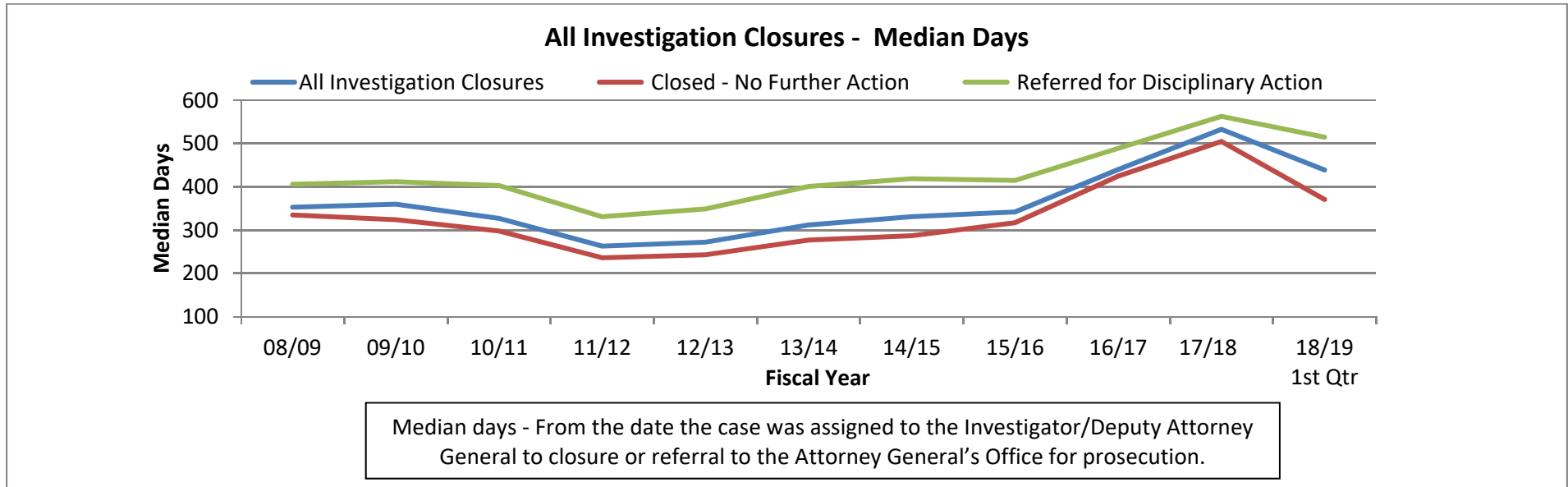
<sup>2</sup> Data through 09/30/18

<sup>3</sup> Effective 7/1/18 investigation processing days are from the date the case was referred to HQUI for investigation until closure or referral (this does not include Complaint Unit processing days for complaints completed at HQUI). Includes physician and surgeon data only.



Effective 7/1/18 investigation processing days are from the date the case was referred to HQIU for investigation 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 4 days through September 2018. Includes physician and surgeon data only.

# Vertical Enforcement/Prosecution Cases - Median Days

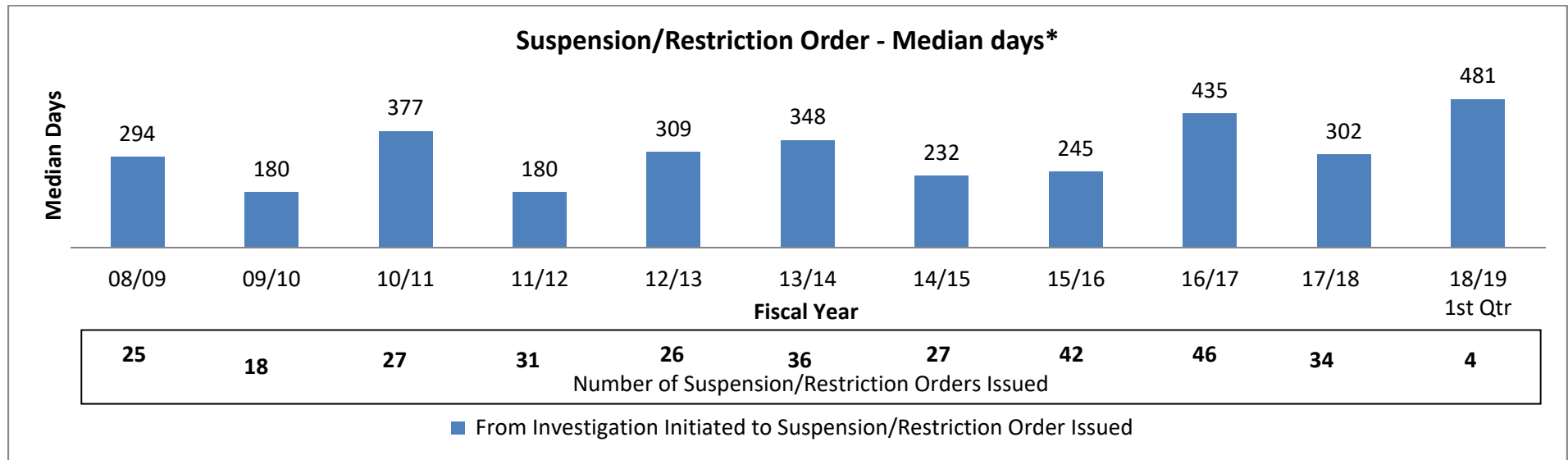
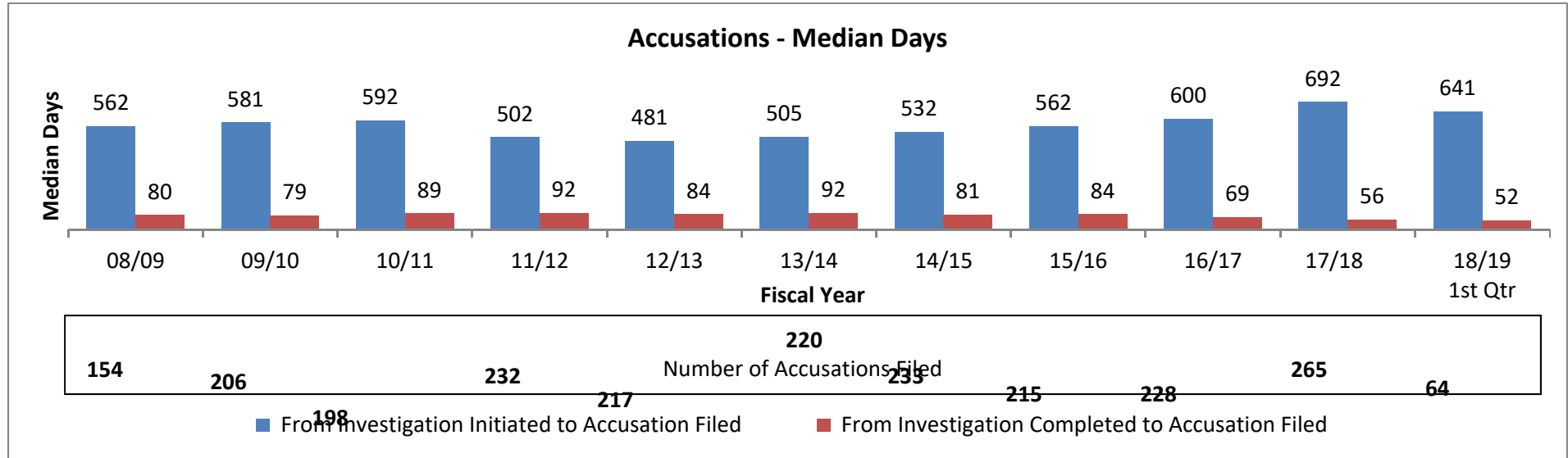


\* This decrease is due to the Board initiating, in July 2014, a complaint investigation office of non-sworn special investigators who began investigating cases that would have been sent to HQU.

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.



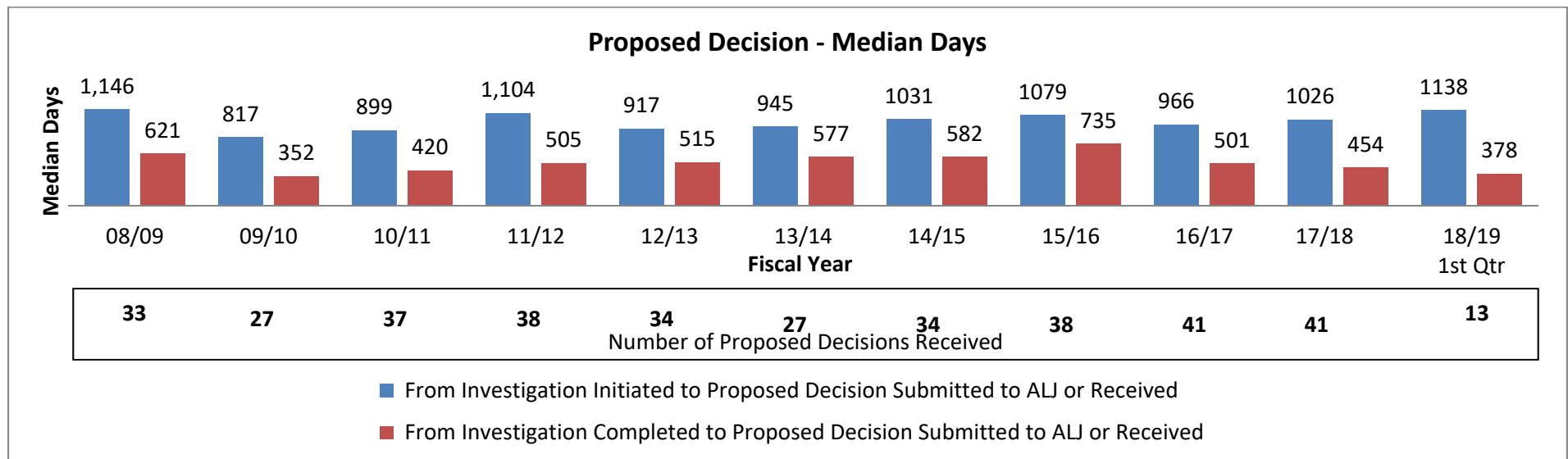
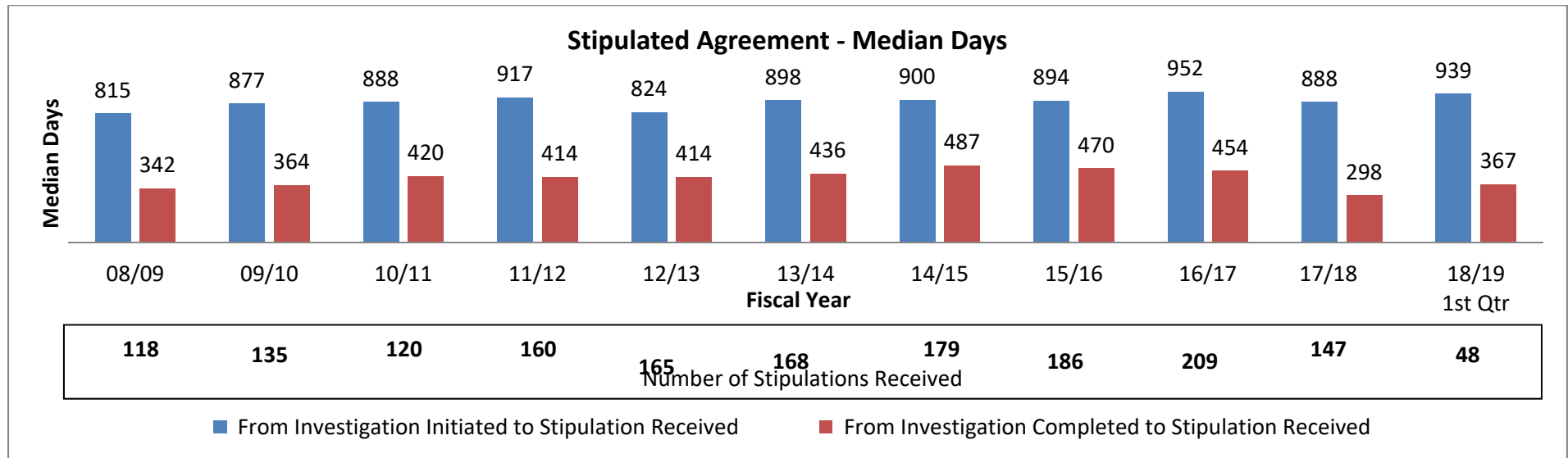
# Vertical Enforcement/Prosecution Cases - Median Days



\* 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.

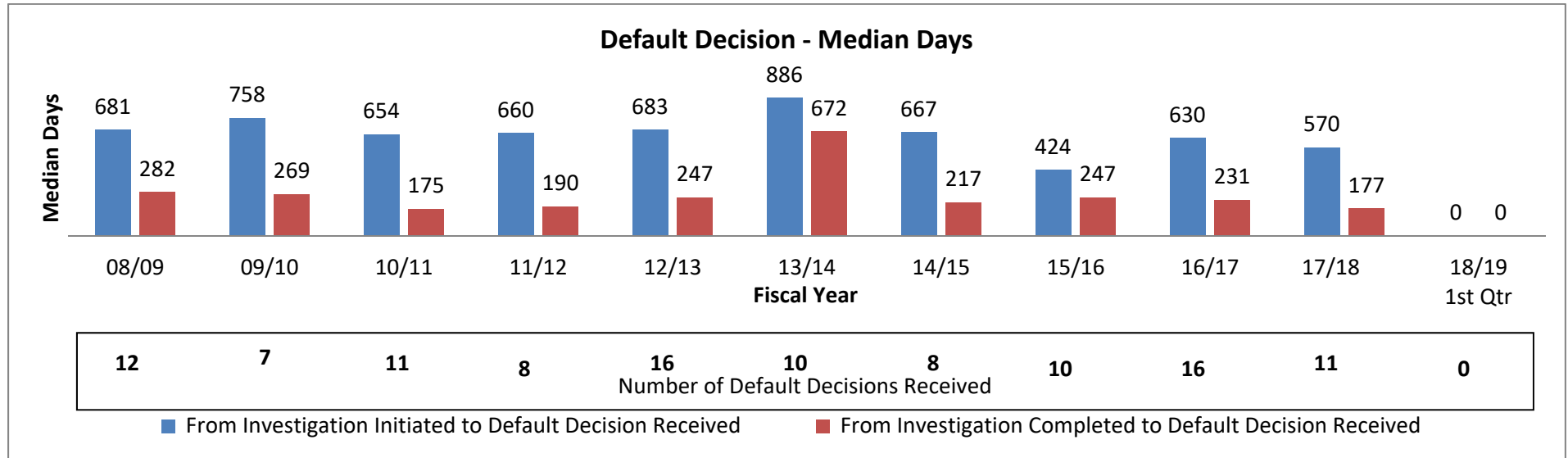
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# Vertical Enforcement/Prosecution Cases - Median Days



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.