

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: January 8, 2019
 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 897 active experts in the Board's expert database and 211 experts were utilized to review 398 cases from July 1, 2018 through December 31, 2018. (See Attachment A.) 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 and preferably from the following counties: Fresno, Kern, Sacramento, and Tulare)
- Thoracic surgery (cardiac surgery)
- Urology (and urologists with expertise in gender reassignment surgical procedure)
- Vascular surgery

Staff is working to secure locations to hold expert reviewer training for this calendar year.

Central Complaint Unit:

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

The average days to complete a complaint in CCU is 140 days. The increase in the average processing time is due to staff vacancies. Currently, CCU has one vacant associate governmental program analyst (AGPA) position and two vacant staff service analyst (SSA) positions. Interviews for one of the vacant SSA positions were held and management is finalizing the hiring process. Interviews for the vacant AGPA and the other vacant SSA positions will be held in January.

Discipline Coordination Unit:

The Discipline Coordination Unit currently has two vacant SSA positions. These positions have been advertised and interviews are expected to be held at the end of January.

Complaint Investigation Office:

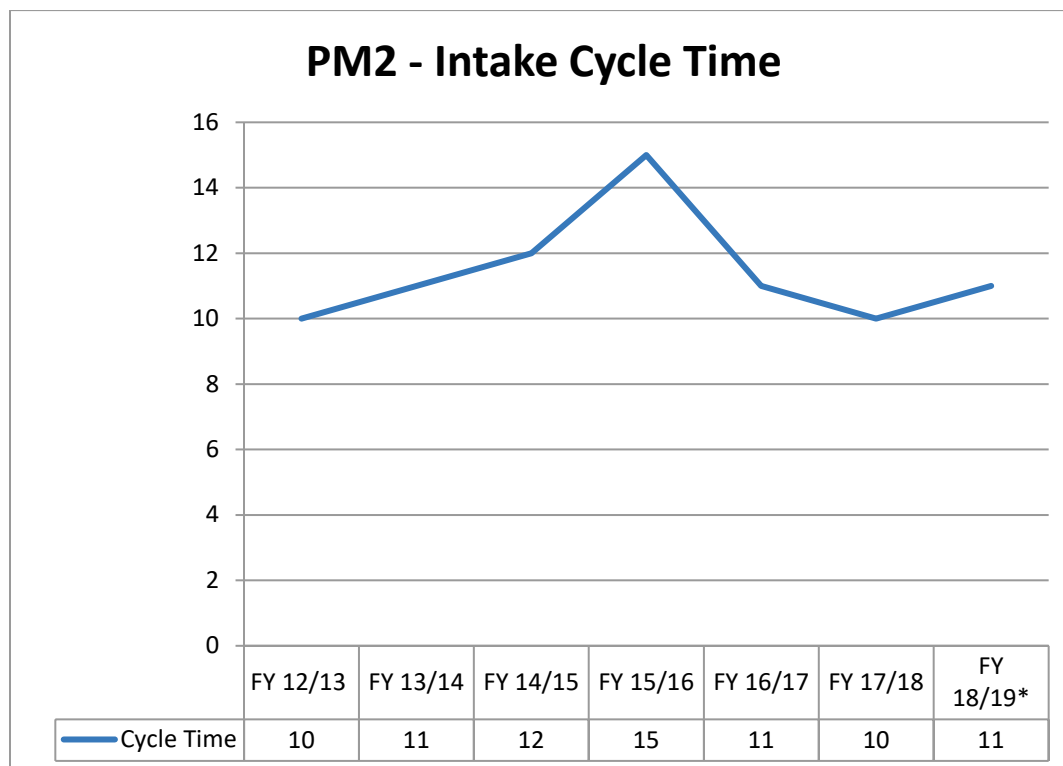
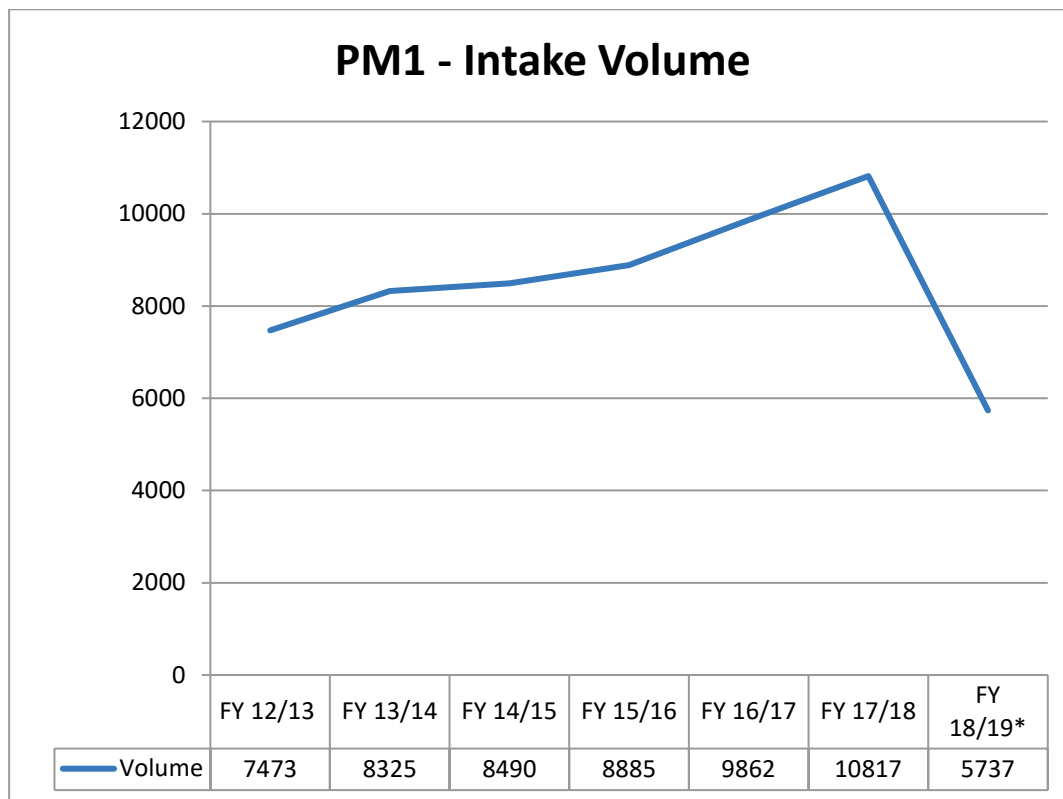
The non-sworn special investigators currently have a case load of approximately 34 cases. Since the last enforcement summary, the Complaint Investigation Office (CIO) has closed 104 cases and has transmitted 34 cases to the Attorney General's Office (AGO) - 6 malpractice cases, 22 criminal conviction cases, and 6 petitions for reinstatement of licensure. In addition, CIO referred 2 criminal cases to the citation and fine program. The average number of days for CIO to complete an investigation is 293 days.

Probation Unit:

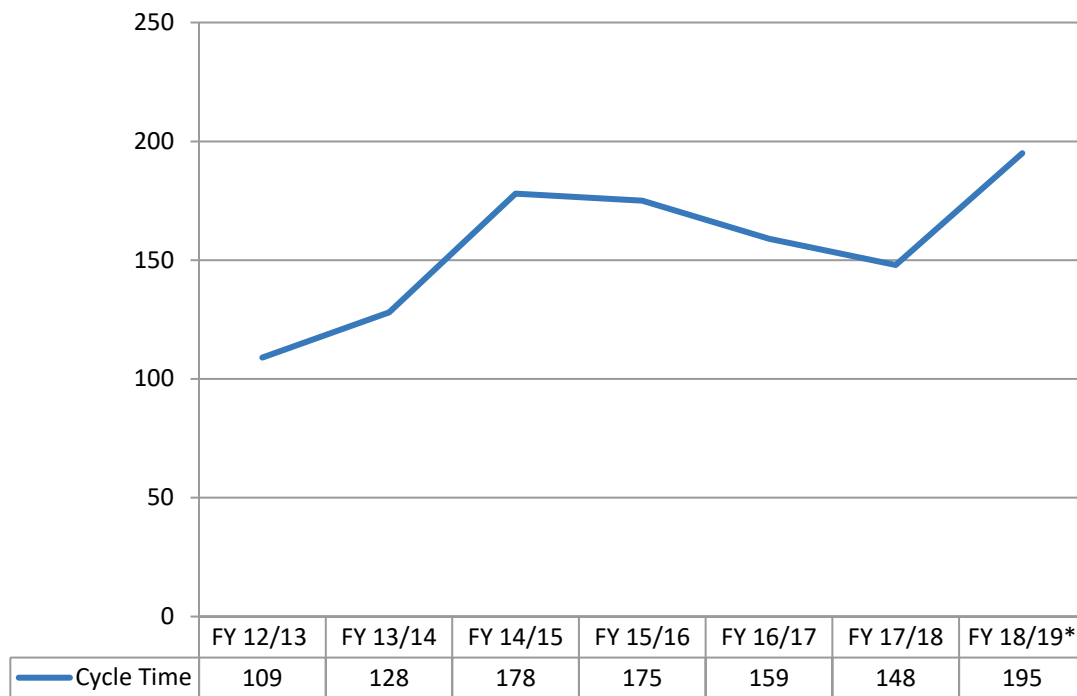
The Probation Unit currently has two vacant Inspector I positions in the Sacramento office. The positions have been advertised and interviews are expected to be scheduled by the end of January. The Probation Unit also has one vacant Inspector II position in the Glendale field office as the employee retired from state service on December 30, 2018. This position is expected to be advertised by the end of January. The vacant SSM I position mentioned in the last enforcement summary has been filled by a retired annuitant, effective December 27, 2018.

Enforcement Performance Measures:

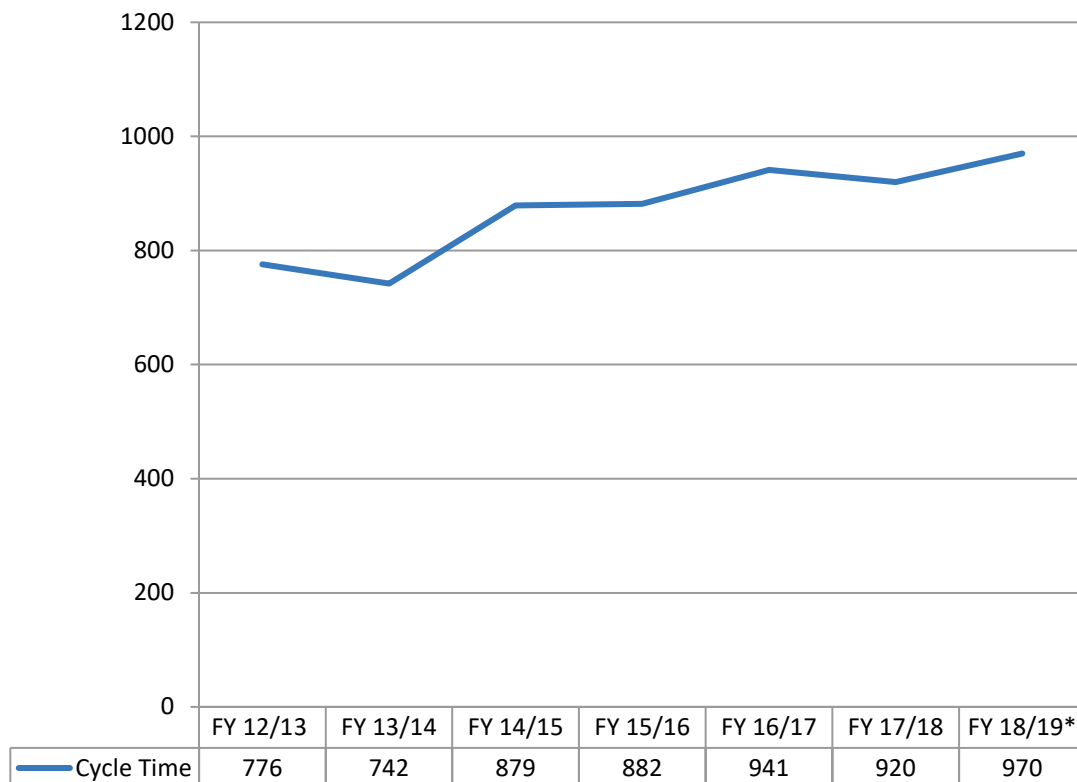
The charts below depict workload statistics regarding the number of complaints received, which includes complaints and arrest notifications (PM1), the average number of days to initiate a complaint and assign it to an analyst (PM2), the average number of days it takes to complete a case that has not 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, and from July 1, 2018 to December 31, 2018.



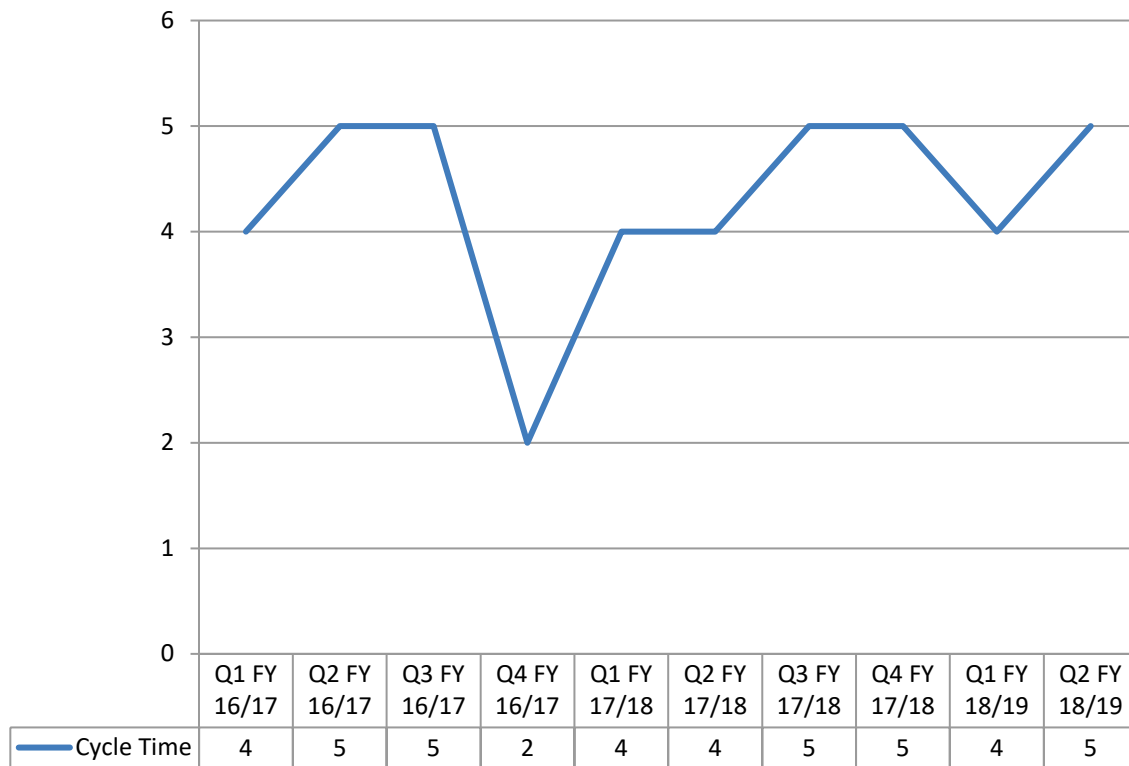
PM3 - Intake and Investigation Cycle Time



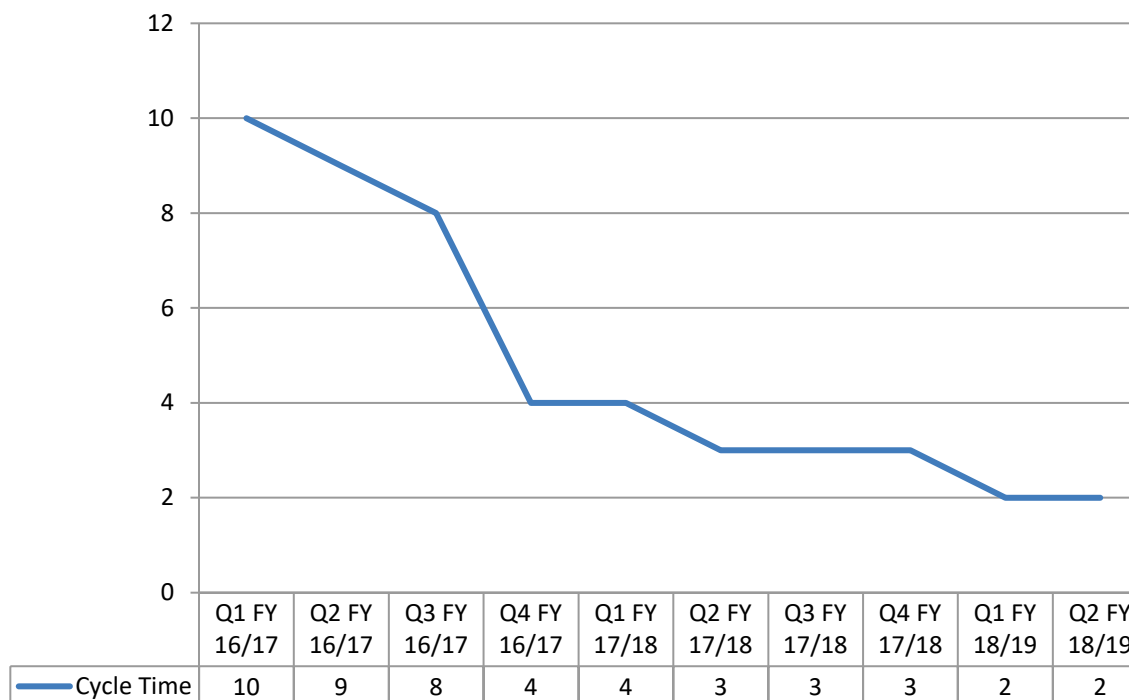
PM4 - Formal Discipline Cycle Time



PM7 - Probation Intake Cycle Time



PM8 - Probation Violation Response Cycle Time



Medical Board of California Expert Reviewer Program Report

Attachment A

Utilization of Experts Second Quarter FY 2018-19

SPECIALTY	Number of cases reviewed by Experts (July 1 through December 31, 2018)	Number of Experts and how often utilized (July 1 through December 31, 2018)	Active List Experts 897 ↓
ADDICTION MEDICINE *- FLAGGED AS OVER UTILIZED REQUIRING PRIOR APPROVAL FROM ENFORCEMENT CHIEF	13	4 EXPERTS 1 LIST EXPERT REVIEWED 1 CASE 2 LIST EXPERTS REVIEWED 2 CASES EACH 1 LIST EXPERTS REVIEWED 8 CASES*	9 ↓
ALLERGY & IMMUNOLOGY (A&I)			5
ANESTHESIOLOGY (Anes)	7	4 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERTS REVIEWED 4 CASES	62 ↓
COLON & RECTAL SURGERY (CRS)			3
COMPLEMENTARY/ALTERNATIVE MEDICINE	3	2 EXEPRTS 1 LIST EXPERT REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES	14
DERMATOLOGY (D)	6	3 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 5 CASES	10
DIAGNOSTIC RADIOLOGY (RAD)	4	3 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASES	31
EMERGENCY (EM)	14	7 EXPERTS 3 LIST EXPERTS REVEIWD 1 CASE EACH 3 LIST EXPERTS REVIEWED 2 CASES EACH 1 LIST EXPERT REVIEWED 5 CASES	47 ↓
FAMILY (FM) *- FLAGGED AS OVER UTILIZED REQUIRING PRIOR APPROVAL FROM ENFORCEMENT CHIEF	78	28 EXPERTS 9 LIST EXPERTS REVIEWED 1 CASE EACH 6 LIST EXPERTS REVIEWED 2 CASES EACH 5 LIST EXPERTS REVIEWED 3 CASES EACH 6 LIST EXPERTS REVIEWED 4 CASES EACH 1 LIST EXPERT REVIEWED 9 CASES* 1 LIST EXPERT REVIEWED 10 CASES*	62 ↓

Medical Board of California Expert Reviewer Program Report

Attachment A

Utilization of Experts Second Quarter FY 2018-19

SPECIALTY	Number of cases reviewed by Experts (July 1 through December 31, 2018)	Number of Experts and how often utilized (July 1 through December 31, 2018)	Active List Experts 897 ↓
INTERNAL (General Internal Med) *- FLAGGED AS OVER UTILIZED REQUIRING PRIOR APPROVAL FROM ENFORCEMENT CHIEF	71	29 EXPERTS 15 LIST EXPERTS REVIEWED 1 CASE EACH 4 LIST EXPERTS REVIEWED 2 CASES EACH 3 LIST EXPERTS REVIEWED 3 CASES EACH 3 LIST EXPERTS REVIEWED 4 CASES EACH 3 LIST EXPERTS REVIEWED 5 CASES EACH 1 LIST EXPERT REVIEWED 12 CASES*	94 ↓
Cardiology/ Cardiovascular Disease	5	4 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASES	31 ↑
Endocrinology, Diabetes and Metabolism (EDM)	1	1 EXPERT 1 LIST EXPERT	6 ↓
Gastroenterology (Ge)	5	3 EXPERTS 1 LIST EXPERT REVIEWED 1 CASE 2 LIST EXPERTS REVIEWED 2 CASES EACH	17 ↓
Infectious Disease (Inf)	1	1 EXPERT 1 LIST EXPERT	10 ↓
Medical Oncology (Onc)			8 ↓
Nephrology (Nep)	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH	12 ↓
Pulmonary Disease (Pul)	1	1 EXPERT 1 LIST EXPERT	21
Rheumatology (Rhu)			7 ↓
MEDICAL TOXICOLOGY	1	1 EXPERT 1 LIST EXPERT	1
MIDWIFE REVIEWER			4 ↓
NEUROLOGICAL SURGERY (NS)	5	3 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 3 CASES	8 ↓

Medical Board of California Expert Reviewer Program Report

Attachment A

Utilization of Experts Second Quarter FY 2018-19

SPECIALTY	Number of cases reviewed by Experts (July 1 through December 31, 2018)	Number of Experts and how often utilized (July 1 through December 31, 2018)	Active List Experts 897 ↓
NEUROLOGY (N)	8	5 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH 3 LIST EXPERTS REVIEWED 2 CASES EACH	24 ↓
NEUROLOGY with Special Qualifications in Child Neurology (N/ChiN)			2
OBSTETRICS & GYNECOLOGY (ObG)	28	17 EXPERTS 11 LIST EXPERTS REVIEWED 1 CASE EACH 2 LIST EXPERTS REVIEWED 2 CASES EACH 2 LIST EXPERTS REVIEWED 3 CASES EACH 1 LIST EXPERT REVIEWED 4 CASES 1 LIST EXPERT REVIEWED 5 CASES	71 ↓
OCCUPATIONAL MEDICINE	2	1 EXPERT 1 LIST EXPERT REVIEWED 2 CASES	6
OPHTHALMOLOGY (Oph)	16	11 EXPERTS 7 LIST EXPERTS REVIEWED 1 CASE EACH 3 LIST EXPERTS REVIEWED 2 CASES EACH 1 LIST EXPERT REVIEWED 3 CASES	26 ↓
ORTHOPAEDIC SURGERY (OrS)	16	10 EXPERTS 6 LIST EXPERTS REVIEWED 1 CASE EACH 3 LIST EXPERTS REVIEWED 2 CASES EACH 1 LIST EXPERT REVIEWED 4 CASES	29 ↓
OTOLARYNGOLOGY (Oto)	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH	21 ↓
PAIN MEDICINE (PM)	16	9 EXPERTS 6 LIST EXPERTS REVIEWED 1 CASE EACH 2 LIST EXPERTS REVIEWED 3 CASES EACH 1 LIST EXPERT REVIEWED 4 CASES	18 ↓
PATHOLOGY (Path)			11
PEDIATRICS (Ped)	7	4 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 4 CASES	56
Pediatric Gastroenterology	1	1 EXPERT 1 LIST EXPERT	6

Medical Board of California Expert Reviewer Program Report

Attachment A

Utilization of Experts Second Quarter FY 2018-19

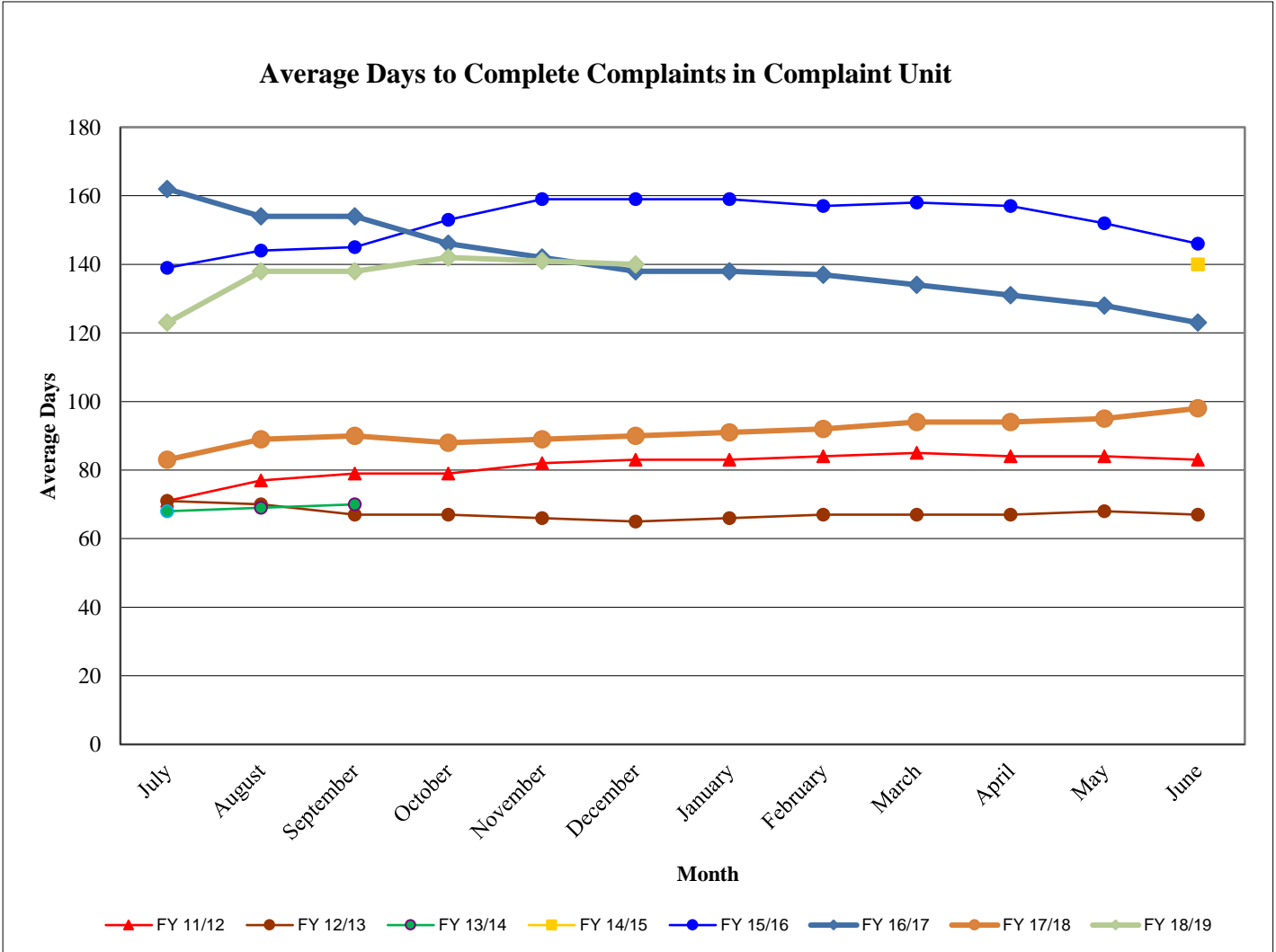
SPECIALTY	Number of cases reviewed by Experts (July 1 through December 31, 2018)	Number of Experts and how often utilized (July 1 through December 31, 2018)	Active List Experts 897 ↓
PHYSICAL MEDICINE & REHABILITATION (PMR)	3	2 EXPERTS 1 LIST EXPERT REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES	10 ↓
PLASTIC SURGERY (PIS)	19	10 EXPERTS 5 LIST EXPERTS REVIEWED 1 CASE EACH 3 LIST EXPERTS REVIEWED 3 CASES EACH 1 LIST EXPERT REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 5 CASES	41 ↓
PSYCHIATRY (Psync) *- FLAGGED AS OVER UTILIZED REQUIRING PRIOR APPROVAL FROM ENFORCEMENT CHIEF	54	26 EXPERTS 15 LIST EXPERTS REVIEWED 1 CASE EACH 5 LIST EXPERTS REVIEWED 2 CASES EACH 2 LIST EXPERTS REVIEWED 3 CASES EACH 1 LIST EXPERT REVIEWED 4 CASES 1 LIST EXPERT REVIEWED 6 CASES* 1 LIST EXPERT REVIEWED 7 CASES*	71 ↓
Addiction Psychiatry (AdP)	1	1 EXPERT 1 LIST EXPERT	9 ↓
SURGERY (S)	10	9 EXPERTS 7 LIST EXPERT REVIEWED 1 CASE EACH 2 LIST EXPERTS REVIEWED 2 CASES EACH	42 ↑
Pediatric Surgery (PdS)			2
Vascular Surgery (VascS)	4	3 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASES	5
THORACIC and CARDIAC SURGERY	1	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH	11 ↑
UROLOGY (U)	5	2 EXPERTS 1 LIST EXPERT REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES	19 ↓

TOTAL CASES REVIEWED (2 nd QUARTER)	398
TOTAL EXPERTS UTILIZED (2 nd QUARTER)	211
TOTAL ACTIVE LIST EXPERTS (12/31/2018)	897

↓↑ Numbers fluctuate based on availability based 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 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	142
November	82	66			159	142	89	141
December	83	65			159	138	90	140
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	

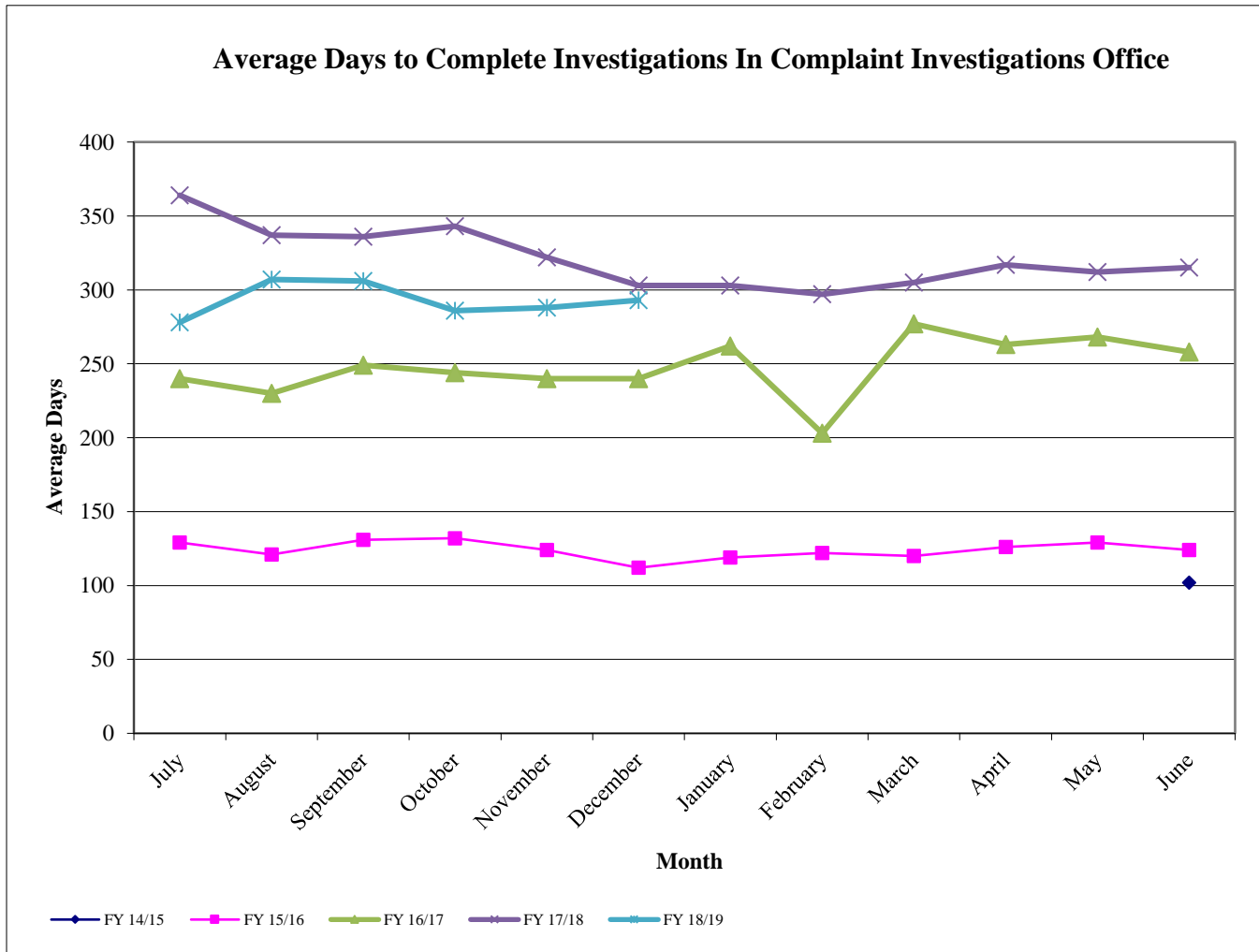


Average Days to Complete Complaints in Complaint Unit includes complaints resolved by Complaint Unit and Complaint Unit processing days for cases completed at field investigation. Includes physician and surgeon data only.

Medical Board of California Enforcement Program

Average Days to Complete Investigations in Complaint Investigations Office

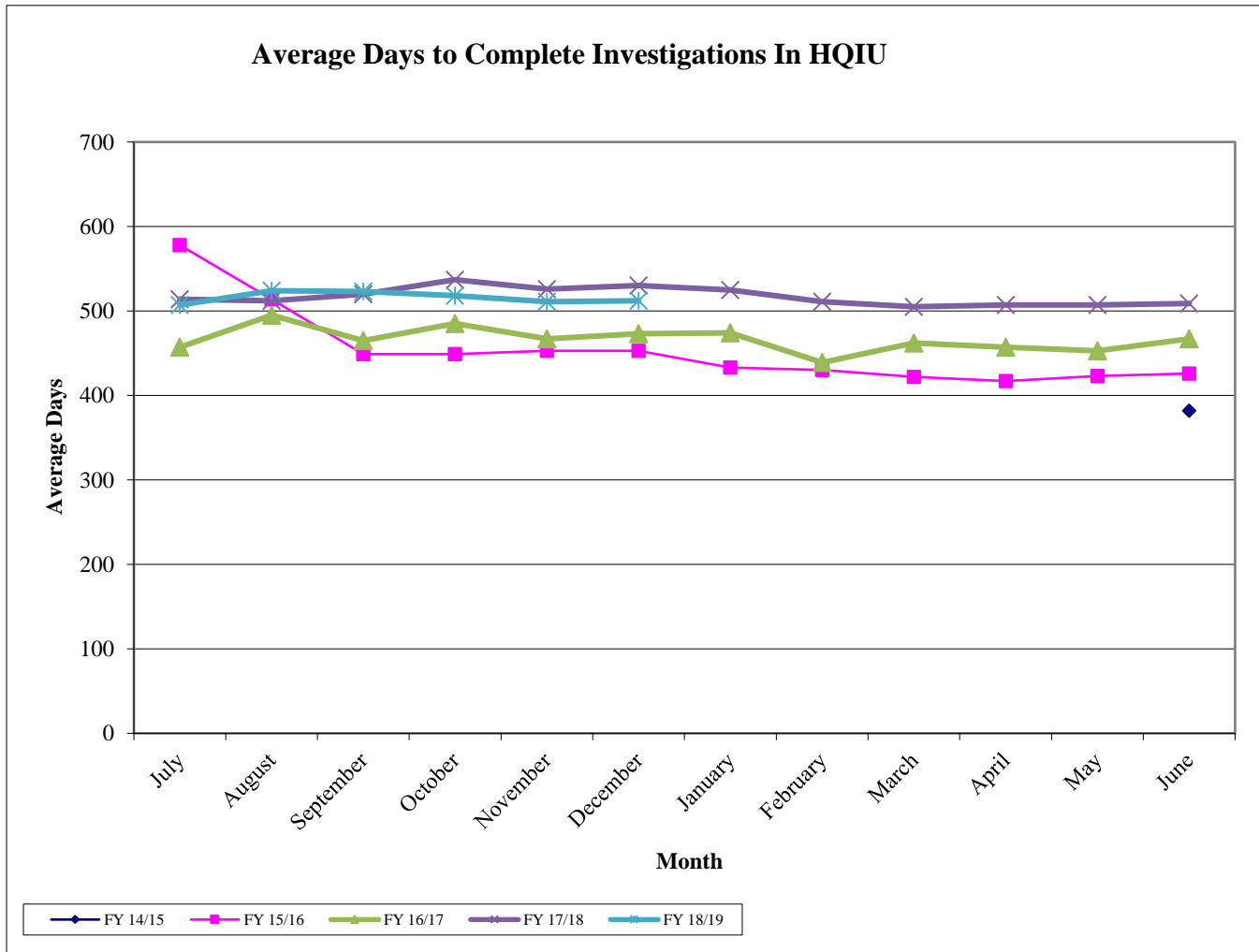
	Fiscal Year				
Month	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19
July		129	240	364	278
August		121	230	337	307
September		131	249	336	306
October		132	244	343	286
November		124	240	322	288
December		112	240	303	293
January		119	262	303	
February		122	203	297	
March		120	277	305	
April		126	263	317	
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

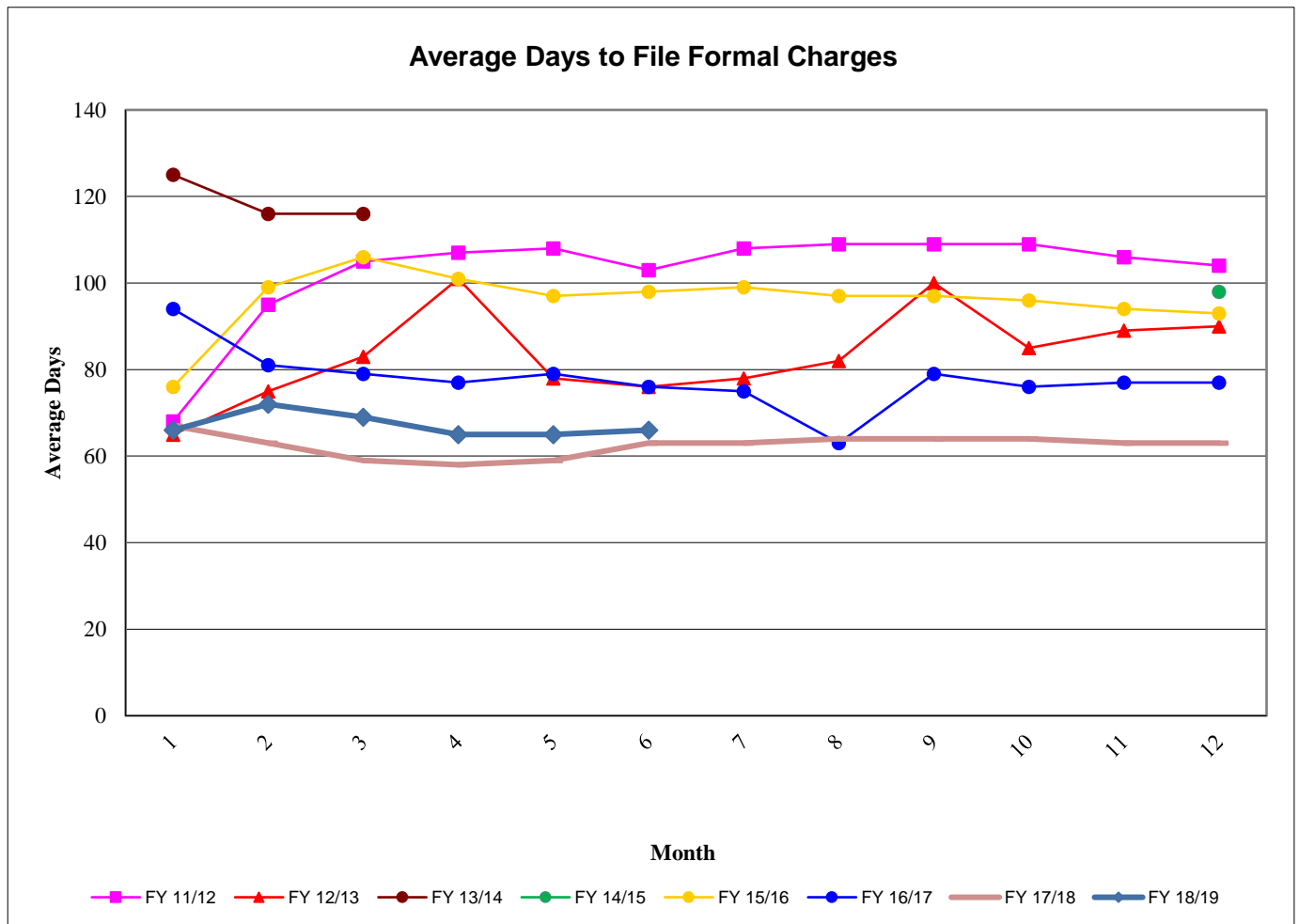
	Fiscal Year				
Month	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19
July		578	457	514	507
August		514	495	512	524
September		449	465	520	523
October		449	485	537	518
November		453	467	526	511
December		453	473	530	512
January		433	474	525	
February		430	439	511	
March		422	462	505	
April		417	457	507	
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 until closure or referral (this does not include Complaint Unit processing days for complaints completed at HQIU). This includes post-investigation processing time by HQIU, and review time by the Attorney General and Board after the investigation is completed, which is an average of 31 days through December 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	65
November	108	78			97	79	59	65
December	103	76			98	76	63	66
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	



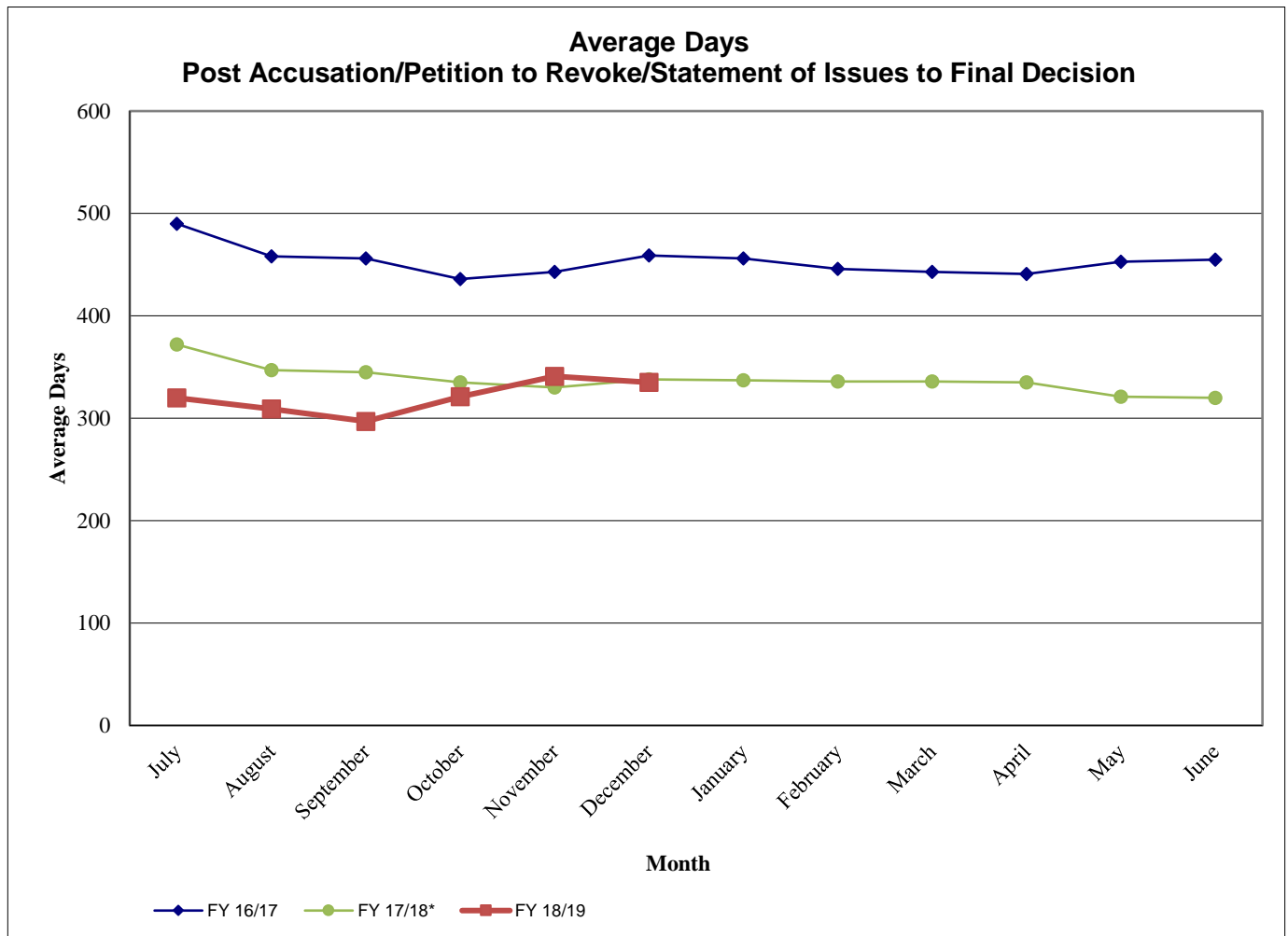
Average Days to File Formal Charges are the days from the date the case is referred to the AG's Office until formal charges are filed. Includes physician and surgeon data only.

Agenda Item 6B

Medical Board of California Enforcement Program

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	321
November	443	330	341
December	459	338	335
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 BreEZe system. This resulted in, changes to the average days. Includes physician

ENFORCEMENT TIMEFRAMES

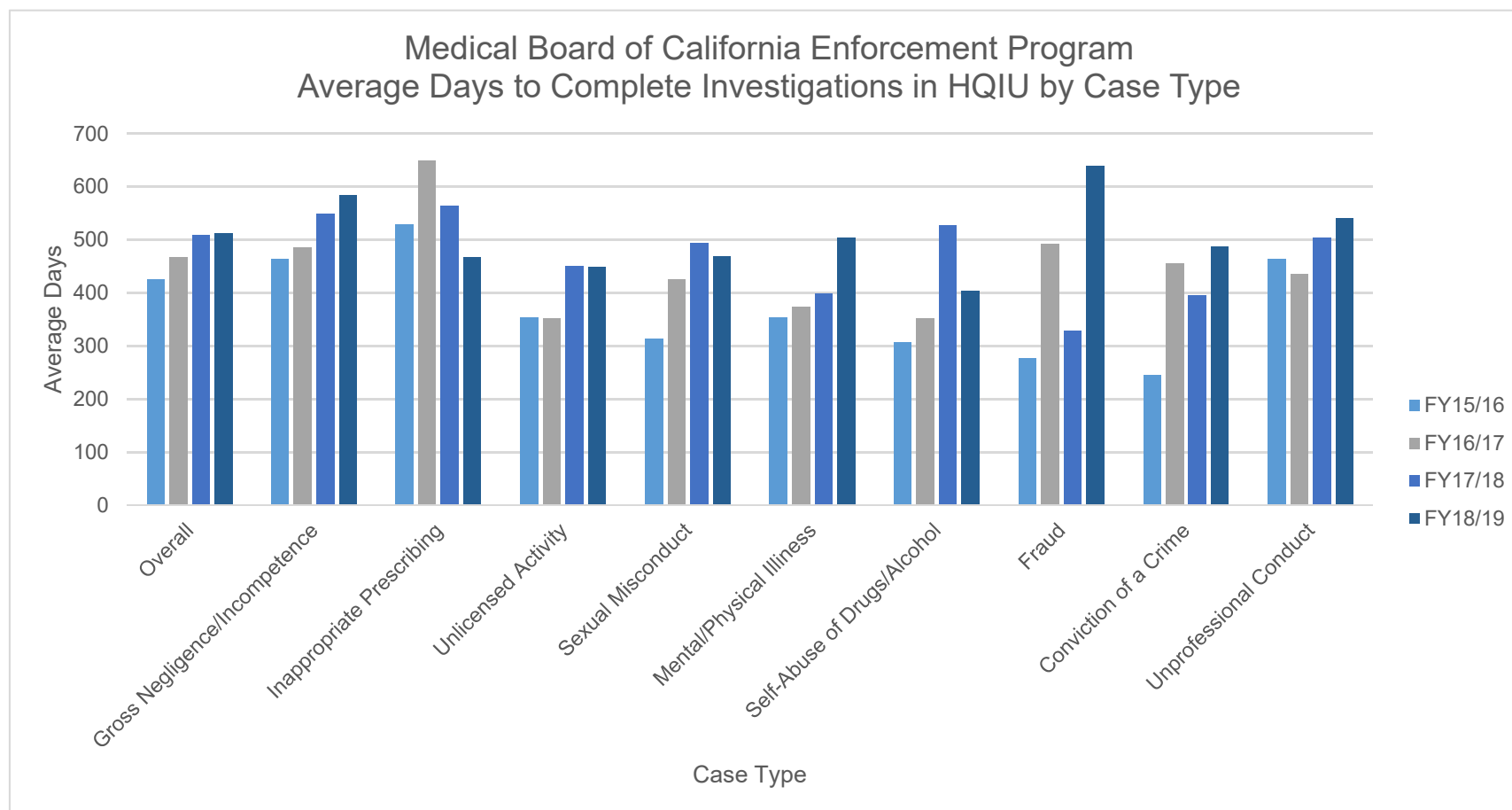
FISCAL YEARS	2010 - 2011		2011 - 2012		2012 - 2013		2013 - 2014		2014 - 2015 ¹		2015 - 2016		2016 - 2017		2017 - 2018		2018 - 2019 ²	
	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN
COMPLAINT PROCESSING	74	77	83	64	67	54	67	43	140	113	146	119	123	89	98	58	140	120
INVESTIGATION PROCESSING - MBC-CIO									102	57	124	52	258	203	316	251	293	158
INVESTIGATION PROCESSING - HQIU									382	352	426	367	467	431	510	483	512	463
INVESTIGATION PROCESSING - ALL	312	283	264	225	268	245	245	205										
TOTAL MBC & HQIU																		
DAYS	386	360	347	289	335	299	312	248	228	150	230	155	141	104	119	68	175	138
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	0.38
AG PREP FOR ACC/PTR/ACC&PTR/SOI	107	72	104	78	90	75	110	86	98	68	93	67	77	62	63	51	66	55
POST ACCUSATION/PTR/SOI	417	324	396	350	435	366	443	402	459	392	453	378	455	368	322	285	335	324
ACCUSATION DECLINED BY AG									44	23	56	31	25	14	114	19	160	176
TOTAL AG																		
DAYS	524	396	500	428	525	441	553	488	473	413	479	393	473	328	327	286	344	332
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	0.94	0.91
TOTAL MBC & AG																		
DAYS	910	756	847	717	860	740	865	736	956	927	967	919	1034	1040	926	939	1028	1090
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	2.82	2.99

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.

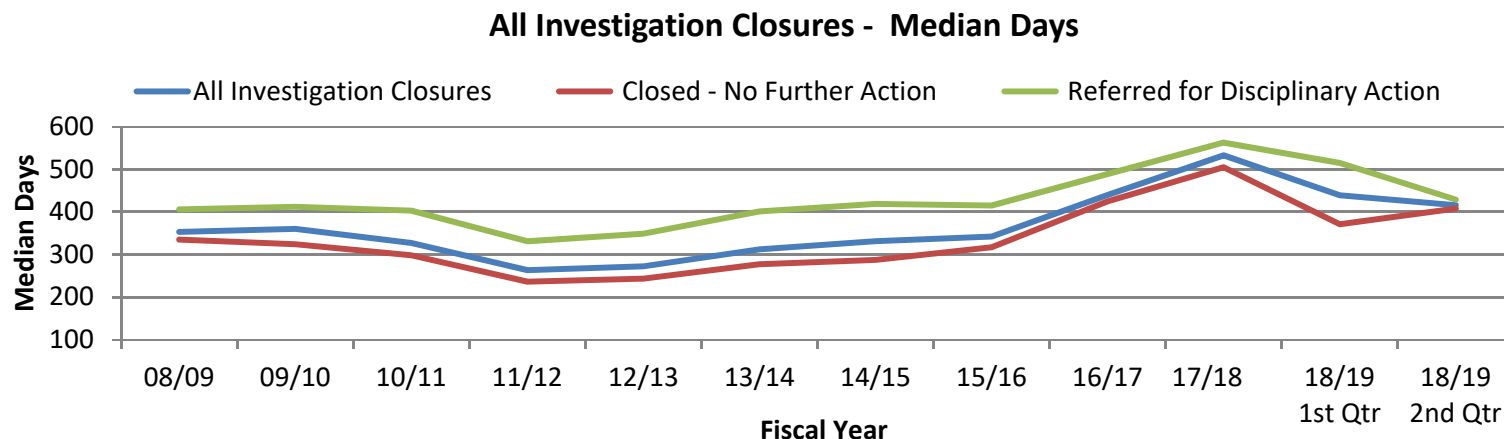
² Data through 12/31/18

³ 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). Includes physician and surgeon data only.



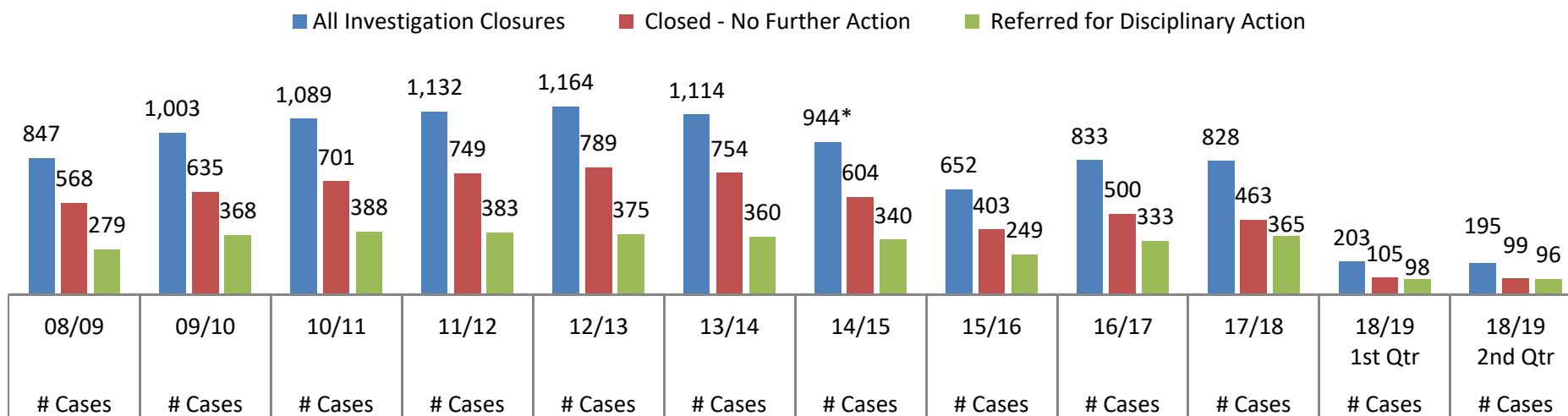
Effective 7/1/18 investigation processing days are from the date the case was referred to HQIU until closure or referral (this does not include Complaint Unit processing days for complaints completed at HQIU). This includes post-investigation processing time by HQIU, and review time by the Attorney General and Board after the investigation is completed, which is an average of 31 days through December 2018. Includes physician and surgeon data only.

Vertical Enforcement/Prosecution Cases - Median Days



Median days - From the date the case was assigned to the Investigator/Deputy Attorney General to closure or referral to the Attorney General's Office for prosecution.

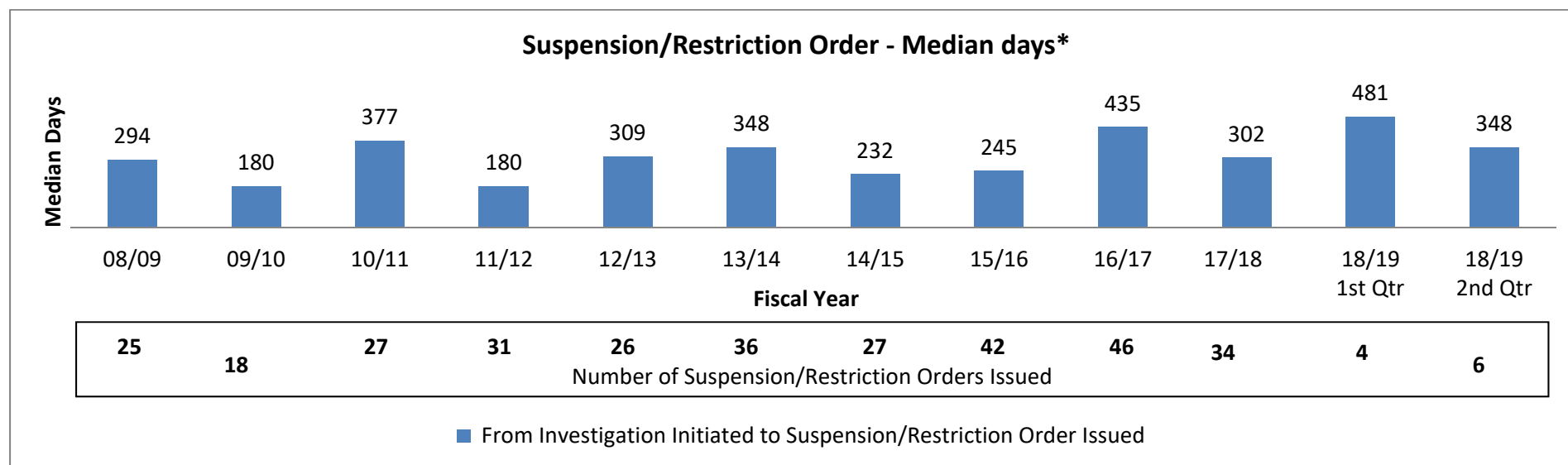
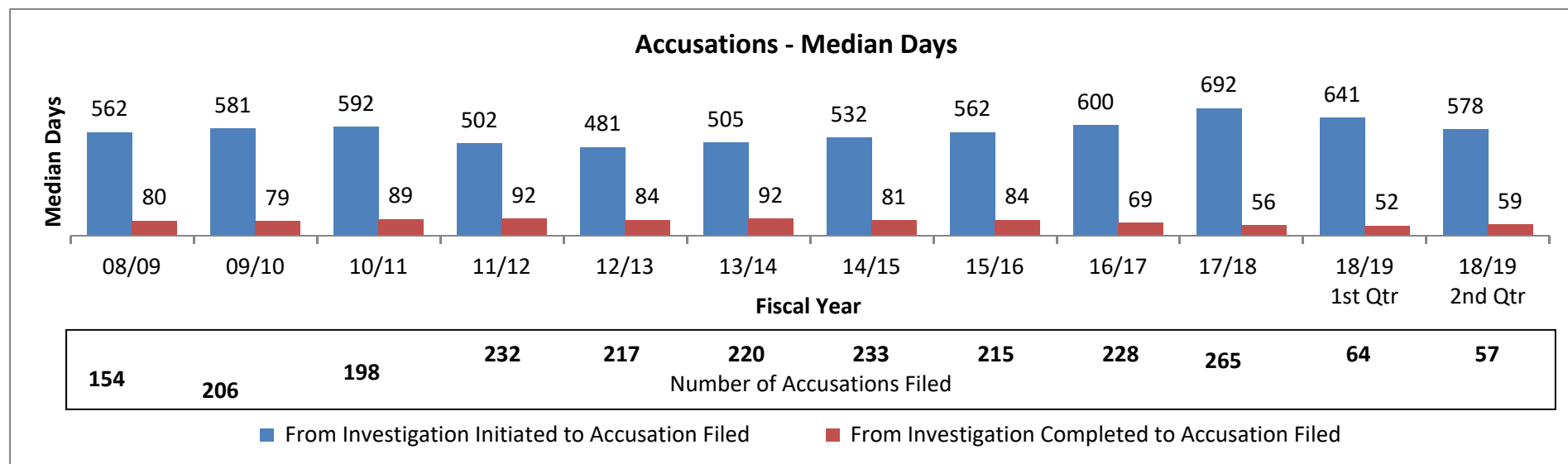
All Investigation Closures - Number of Cases



* 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.

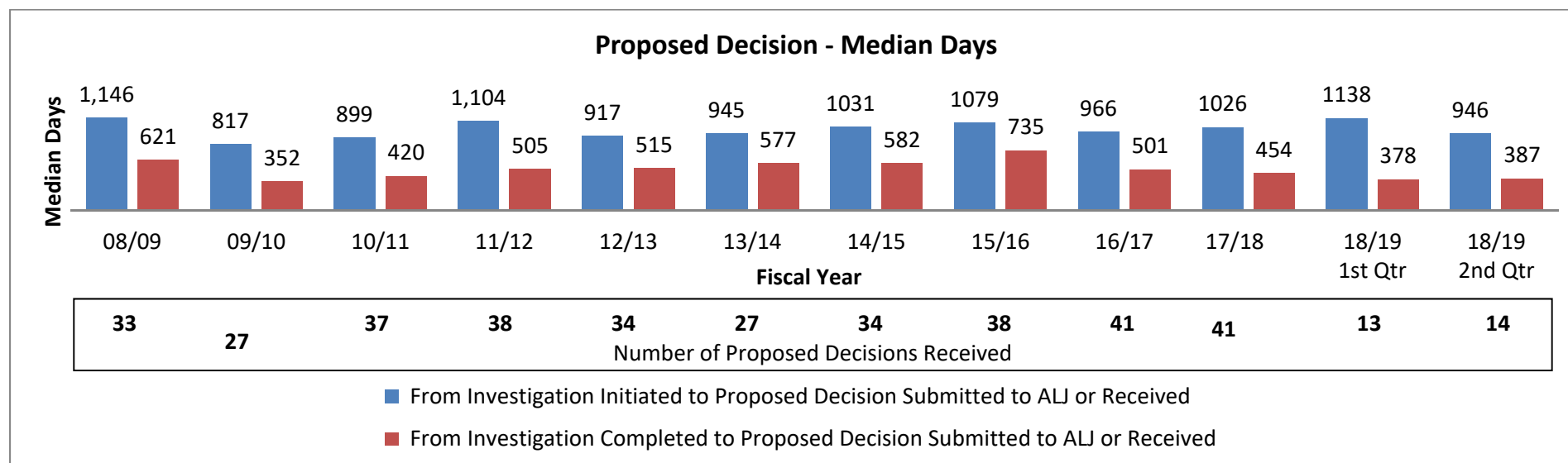
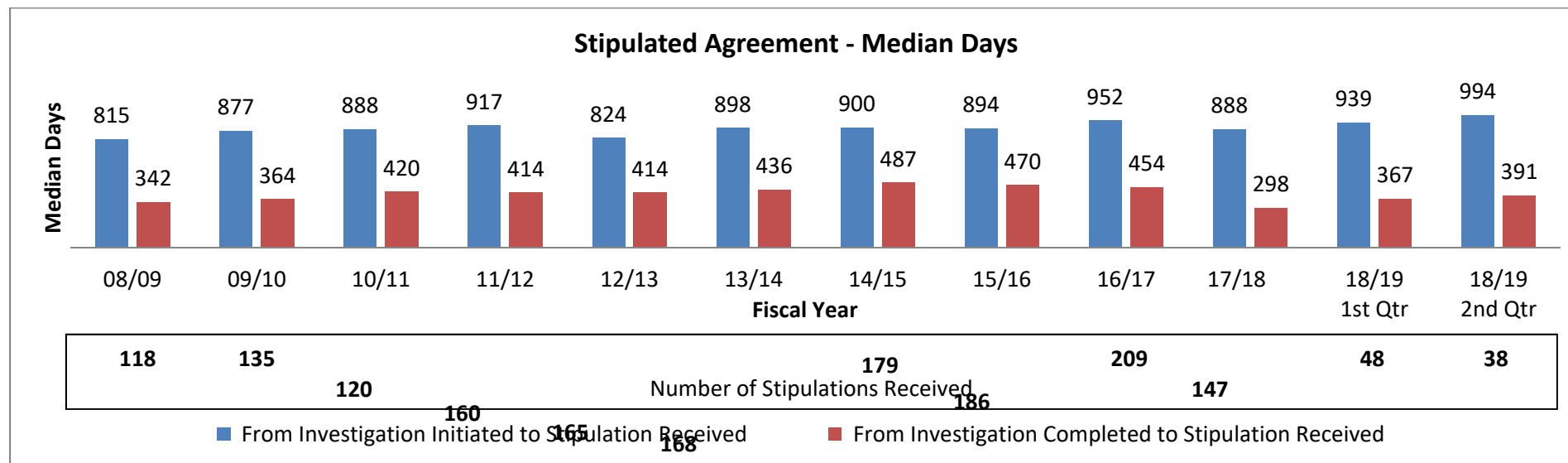
Vertical Enforcement/Prosecution Cases - Median Days



* 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.

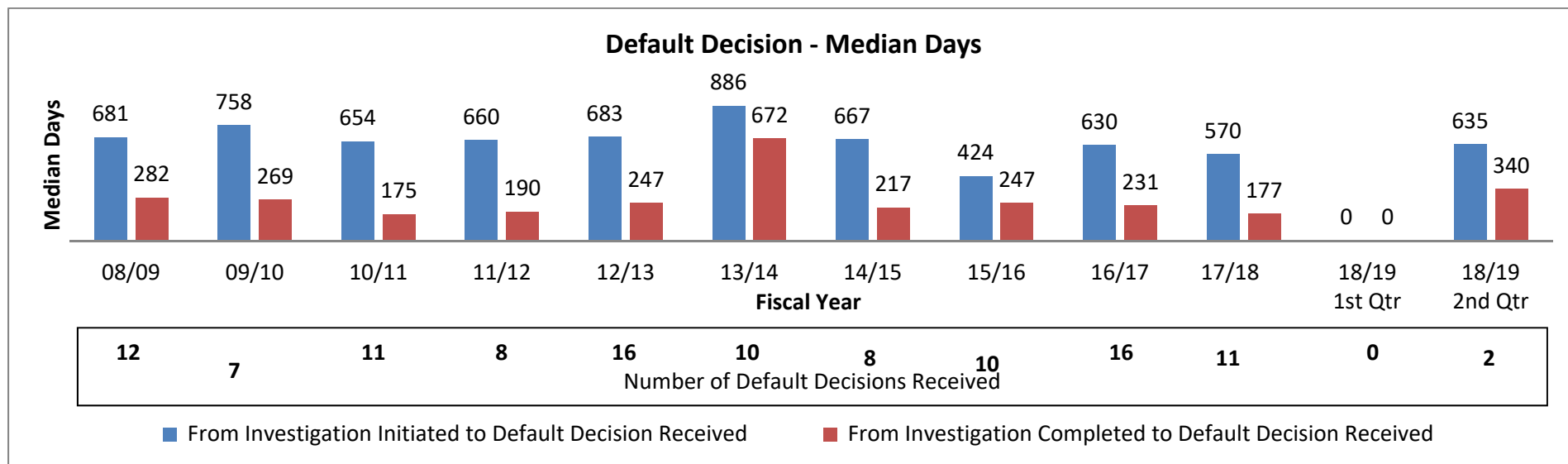
The graphs above exclude the following case types: out-of-state, headquarters, Operation Safe Medicine, probation violations, petitions for modification/termination of probation terms, and petitions for reinstatement. They also exclude all cases that were referred solely to the District/City Attorney for criminal action as they are not in VE/P.

Vertical Enforcement/Prosecution Cases - Median Days



The 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.