

**MEDICAL BOARD OF CALIFORNIA**

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*Agenda Item 4E*

Date: April 12, 2007

To: Members, Medical Board of California

From: Dave Thornton
Executive Director

Subject: Recruitment and Retention of Medical Board Investigators

At the March 29, 2007 Executive Committee meeting I was asked to detail the efforts the Board has undertaken to address the recruitment and retention of Medical Board investigative staff. As I have reported to you in the past, the turnover of investigative personnel is a chronic problem and one that is not easily remedied. Also, our efforts have been hampered by the collective bargaining system, and our tie to other investigators with the Department of Consumer Affairs.

There are many reasons for investigator turnover including:

- Board investigators receive extensive speciality training from the Medical Board and as a result are constantly being recruited by other state law enforcement agencies, especially in the competitive Southern California area.
- The Medical Board is unable to compete with salaries offered by some larger agencies such as the Department of Justice and Department of Corrections. Moreover, some state agencies offer as much as \$200 extra per month to offset cost of living in high cost areas, something we have tried but cannot get approved.
- Entry level requirements include either a four year degree in criminal justice or equivalent experience with another law enforcement agency.
- The attraction of higher or even equal pay and lower, less complicated cases offered by other state agencies.

As previously mentioned, this is not a new problem, the Medical Board has been trying to address the loss of trained investigative staff for decades. In April of 1990 the Division of Medical Quality voted to support SB 2375 (a bill by Senator Robert Presley that created the Health Quality Enforcement Section of the Attorney General's Office and made other improvements to the Board's Enforcement Program). In doing so, the DMQ asked Senator Presley to make specific amendments to his bill regarding investigator pay. One of the requested amendments was to... ***“add statutory provisions to raise Medical Board of California investigator salaries to prevent loss of experienced investigators to higher-paying agencies.”*** The objective of the request was to... ***“get legislative intent recorded to say that the pay scales for investigators of the Medical Board of California be increased to within at least 5% of the pay scales for the Special Agents of the Department of Justice in order to stem the loss of experienced investigators to high paying state agencies, and to attract new investigators.”*** Legislative intent language was subsequently added to SB 2375. (See attached)

Despite this legislative intent language, pay scales for Medical Board investigators were not increased to the level sought by the DMQ.

Current efforts to address the recruitment and retention of Medical Board Investigators include:

- Working with the Department of Consumer Affairs to seek a reclassification of investigators including a salary increase. We are also working with the department to revise the minimum qualifications for entry level investigators to allow the Board to consider other types of college degrees, not just degrees in criminal justice.
- Seeking full implementation of Vertical Enforcement which would include the transfer of investigative staff to the Department of Justice, Health Quality Enforcement Section. Investigation staff would ultimately be reclassified to Special Agents.
- Working with the Senate budget subcommittee #4 exploring ways the Legislature can assist the Board in addressing the issue of investigator pay differentials.
- Exploring the possibility of a pay differential for investigators through the Budget Change Proposal process. The current collective bargaining contract for Special Agents with the Department of Justice and Medical Board investigators includes pay increases through January 1, 2008. Effective January 1, 2008 the base pay for our investigators will be \$6,169 and for DOJ Special Agents the base pay will be \$7,341 - a difference of almost \$1,200 per month.

I will continue to give you updates on the status of these efforts.

SENATE BILL 2357, Presley, Chapter 1597, Statutes of 1990

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Ch. 1597

(17) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

The bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for those other costs. It would, however, notwithstanding the foregoing, require the Medical Board of California to reimburse the State Mandates Claims Fund for any costs which may be incurred due to mandates contained in the bill. In so doing the bill would authorize the expenditure of continuously appropriated funds for a new purpose, thus constituting an appropriation.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. The 1989-90 Regular Session of the Legislature declares that the physician discipline system administered by the board's Division of Medical Quality is inadequate to protect the health, safety, and welfare of the people of California against incompetent or impaired physicians.

It is, therefore, the intent of the Legislature to restructure the physician discipline system of the Medical Board of California in order to give it authority to act quickly in extreme cases to impose interim protective measures or final sanctions short of license revocation or suspension; more information from a variety of enhanced reporting sources and increased public outreach; procedures which afford a fair review and hearing by an experienced administrative law judge without excessive delay; procedures to ensure a high quality hearing; and enhanced resources to finance such a system in the interests of protecting the people of California. It is therefore the intent of the Legislature to improve the discipline system of licensed physicians and allied health professionals by creating a more expeditious and efficient adjudicatory system and providing it the adequate resources for its performance. It is also the intent of the Legislature that the pay scales for investigators of the Medical Board of California be equivalent to the pay scales for special investigative agents of the Department of Justice, in order to attract and retain experienced investigators.

SEC. 2. Section 802.5 is added to the Business and Professions Code, to read:

802.5. (a) When a coroner receives information that is based on