#### MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: April 15, 2019

ATTENTION: Members, Medical Board of California

SUBJECT: Enforcement Program Summary

STAFF CONTACT: Kimberly Kirchmeyer, Executive Director

#### **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 876 active experts in the Board's expert database and 292 experts were utilized to review 657 cases from January 1, 2019 through March 31, 2019. (See BRD 7B-13-17.) 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 identifying locations to hold expert reviewer training for this calendar year. Due to the proposed change in the hourly rate for expert reviewers who attend the training, the Board is looking to hold four trainings this year (two in Northern California and two in Southern California). Trainings are scheduled to be held in August, September, October, and November.

#### CENTRAL COMPLAINT UNIT:

The average number of days to initiate a complaint in the Central Complaint Unit (CCU) is 11 for the third quarter of FY 2018-2019, which is one more day than the timeframe mandated by Business and Professions Code section 129(b). Management has identified efficiencies and additional staff that will assist the complaint initiation staff, which also currently has one vacancy. The average days to complete the processing of a complaint in CCU is 146 days. CCU analysts are focusing their efforts to reduce the aging of all case types.

CCU management conducted interviews for one vacant associate governmental program analyst (AGPA) position and one vacant staff services analyst (SSA) position. Both positions were filled and the employees reported for work in April. In addition to these positions, CCU currently has one vacant AGPA position in the Medical Consultant Program. Applications were received, will be reviewed and interviews will be conducted for this position.

Management is reviewing the processes in the CCU Medical Consultant Program and finding ways to streamline the process and ways to automate portions of the process. In addition, the Medical Consultant manual and guidelines are being revised, as well as the information that is submitted to the medical consultants.

#### **COMPLAINT INVESTIGATION OFFICE:**

The Complaint Investigation Office (CIO) non-sworn investigators currently have a case load of approximately 53 cases each. Since the last enforcement summary, CIO has closed 79 cases and has transmitted 30 cases to the Attorney General's Office (AGO) - 13 criminal conviction cases, 2 malpractice cases, 5 petitions for reinstatements of licensure, and 10 consumer complaints regarding failure to produce medical records. Additionally, one case was referred for a public letter of reprimand.

#### DISCIPLINE COORDINATION UNIT:

Pursuant to Senate Bill 1448 (Hill, Chapter 570), standardized language for public disclosure screens was drafted and submitted for approval. Upon approval, staff in the Discipline Coordination Unit (DCU) will begin drafting public disclosure summaries for physicians on probation to be posted on July 1, 2019.

DCU management is currently recruiting to fill two vacant SSA positions and one office technician (OT) position. A conditional offer of employment was made to fill one SSA position. Interviews for the second SSA position are scheduled for late April.

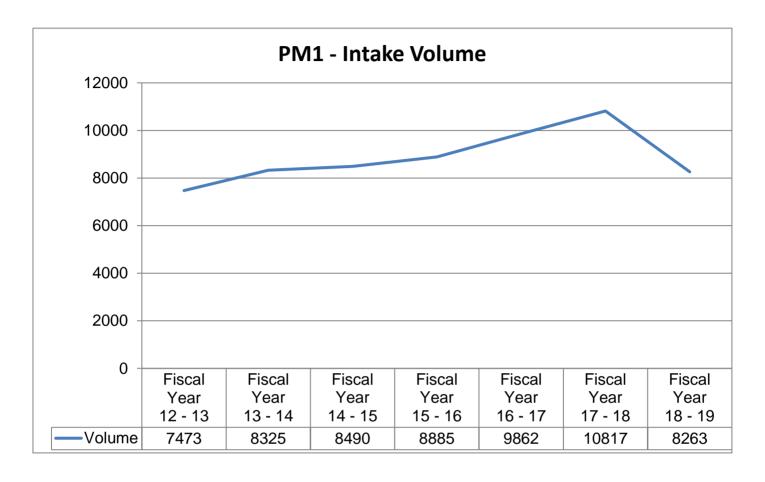
#### PROBATION UNIT:

The Probation Unit currently has four vacant Inspector positions. Three positions have been advertised. Interviews were conducted for one limited-term Inspector I position in the Sacramento office and a conditional offer of employment has been made. Fingerprint clearance and medical evaluation for that applicant is pending. Applications are being reviewed for one Inspector II position in the Glendale office and interviews are expected to be held the first week of May. A second Inspector I position in Sacramento has been advertised and the final filing date is mid-April. Interviews for this position are expected to be held the first week of May. The remaining Inspector vacancy, which is a limited-term position, is in the Cerritos office; however, the permanent incumbent is expected to return to the position by the middle of May.

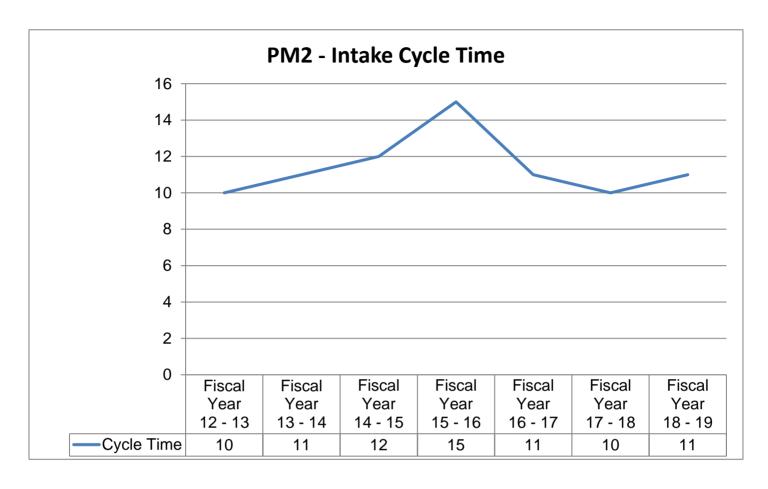
#### **ENFORCEMENT PERFORMANCE MEASURES:**

The charts on the following pages 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 PM 8 statistics were implemented in July 2016, so only fiscal years 16/17 and 17/18 are reflected. Additionally, all statistics for fiscal year 18/19 only reflect from July 1, 2018 to March 31, 2019.

# Medical Board of California Enforcement Program PM1 - Intake Volume

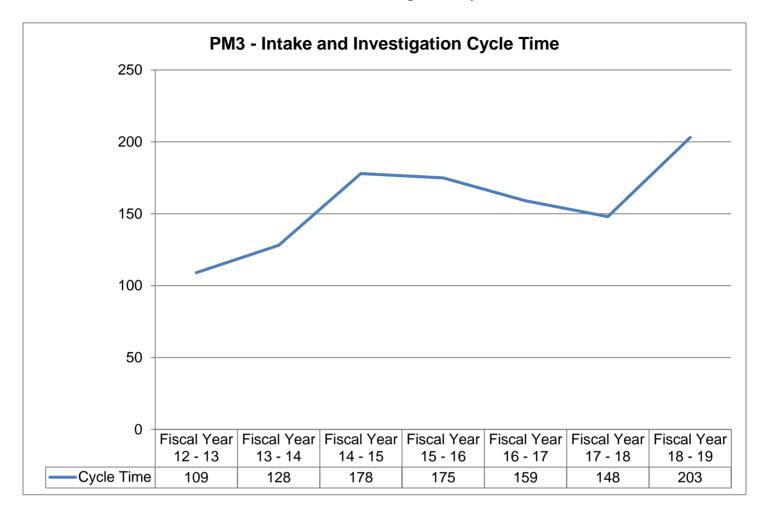


Month	Fiscal Year						
WIOTILIT	12 - 13	13 - 14	14 - 15	15 - 16	16 - 17	17 - 18	18 - 19
Volume	7473	8325	8490	8885	9862	10817	8263



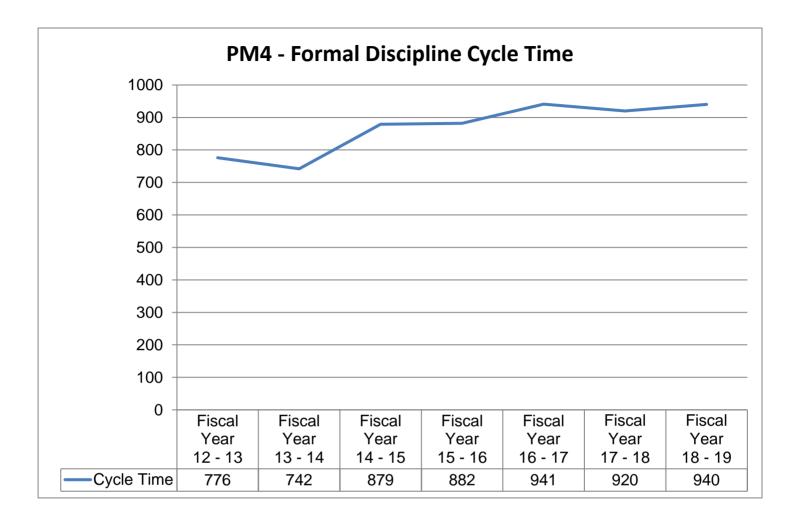
Month	<b>Fiscal Year</b>	Fiscal Year					
	12 - 13	13 - 14	14 - 15	15 - 16	16 - 17	17 - 18	18 - 19
Cycle Time	10	11	12	15	11	10	11

# Medical Board of California Enforcement Program PM3 - Intake and Investigation Cycle Time



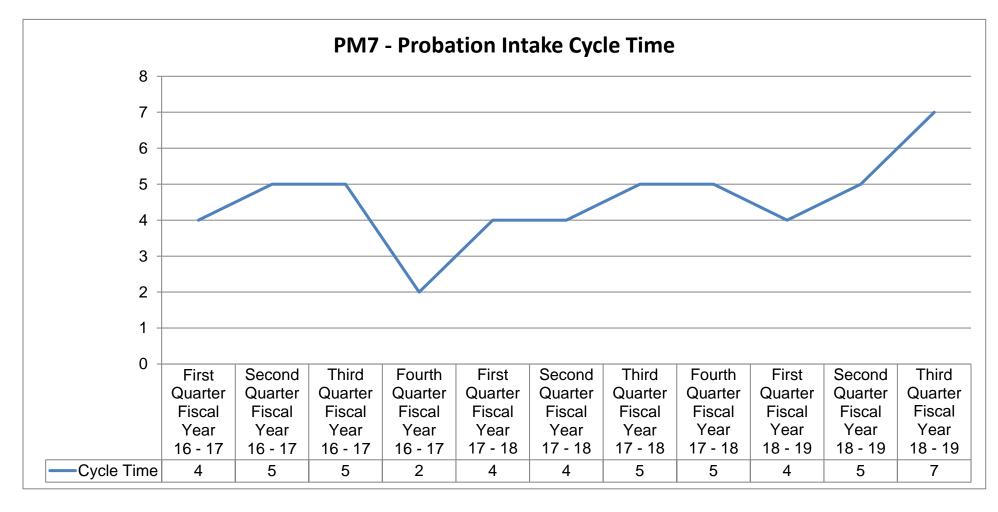
Month	Fiscal Year						
WIOTILIT	12 - 13	13 - 14	14 - 15	15 - 16	16 - 17	17 - 18	18 - 19
Cycle Time	109	128	178	175	159	148	203

### **Medical Board of California Enforcement Program PM4 - Formal Discipline Cycle Time**



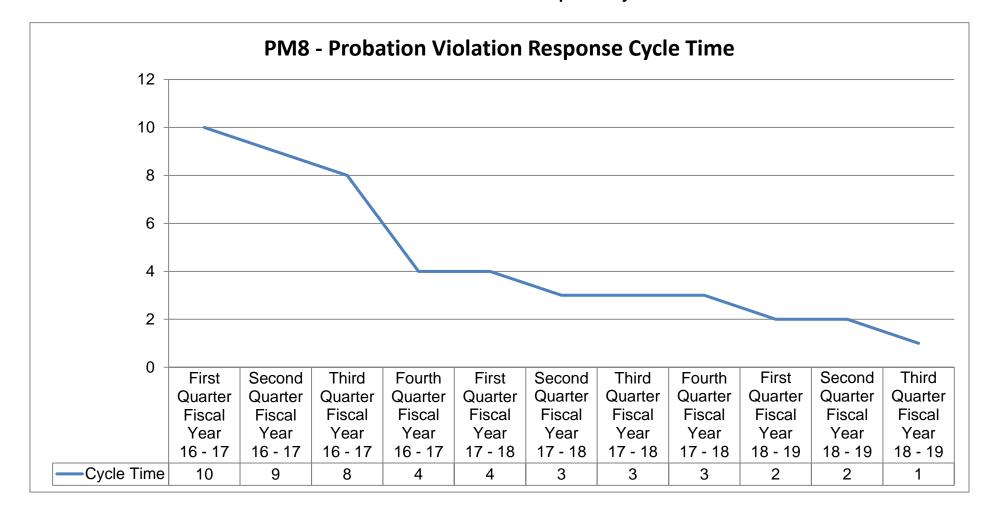
Month	<b>Fiscal Year</b>	<b>Fiscal Year</b>	<b>Fiscal Year</b>	<b>Fiscal Year</b>	Fiscal Year	<b>Fiscal Year</b>	Fiscal Year
WIOTILIT	12 - 13	13 - 14	14 - 15	15 - 16	16 - 17	17 - 18	18 - 19
Cycle Time	776	742	879	882	941	920	940

# Medical Board of California Enforcement Program PM7 - Probation Intake Cycle Time



	First	Second	Third	<b>Fourth</b>	First	Second	Third	<b>Fourth</b>	First	Second	Third
	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter
Month	Fiscal	<b>Fiscal</b>	<b>Fiscal</b>	Fiscal	Fiscal	Fiscal	Fiscal	<b>Fiscal</b>	<b>Fiscal</b>	Fiscal	<b>Fiscal</b>
	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year
	16 - 17	16 - 17	16 - 17	16 - 17	17 - 18	17 - 18	17 - 18	17 - 18	18 - 19	18 - 19	18 - 19
Cycle Time	4	5	5	2	4	4	5	5	4	5	7

# Medical Board of California Enforcement Program PM8 - Probation Violation Response Cycle Time



	First	Second	Third	Fourth	First	Second	Third	Fourth	First	Second	Third
	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter
Month	<b>Fiscal</b>	<b>Fiscal</b>	Fiscal	<b>Fiscal</b>	<b>Fiscal</b>	<b>Fiscal</b>	<b>Fiscal</b>	<b>Fiscal</b>	Fiscal	<b>Fiscal</b>	Fiscal
	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year	Year
	16 - 17	16 - 17	16 - 17	16 - 17	17 - 18	17 - 18	17 - 18	17 - 18	18 - 19	18 - 19	18 - 19
Cycle Time	10	9	8	4	4	3	3	3	2	2	1

Specialty	Number of cases reviewed by Experts (July 1, 2018 - March 31,2019)	Number of Experts and how often utilized (July 1, 2018 - March 31,2019)	Active List Experts 876↓
Addiction Medicine	14	4 Experts 1 list expert reviewed 2 cases 2 list experts reviewed 3 cases each 1 list expert reviewed 6 cases*	6↓
Allergy and Immunology			5
Anesthesiology	11	6 Experts 4 list experts reviewed 1 case each 1 list expert reviewed 2 cases 1 list expert reviewed 5 cases*	63↑
Colon and Rectal Surgery	1	1 Expert 1 list expert	3
Complementary/Alternative Medicine	2	1 Expert 1 list expert reviewed 2 cases	16↑
Dermatology	9	5 Experts 4 list experts reviewed 1 case each 1 list expert reviewed 6 cases*	11↑
Diagnostic Radiology	7	4 Experts 2 list experts reviewed 1 case each 1 list expert reviewed 2 cases 1 list expert reviewed 3 cases	30↓
Emergency	21	10 Experts 5 list experts reviewed 1 case each 2 list experts reviewed 2 cases each 2 list experts reviewed 3 cases each 1 list expert reviewed 6 cases*	43↓

Specialty	Number of cases reviewed by Experts (July 1, 2018 - March 31,2019)	Number of Experts and how often utilized (July 1, 2018 - March 31,2019)	Active List Experts 876↓
Family Medicine	135	38 Experts 9 list experts reviewed 1 case each 7 list experts reviewed 2 cases each 9 list experts reviewed 3 cases each 3 list experts reviewed 4 cases each 1 list expert reviewed 5 cases* 4 list experts reviewed 6 cases each* 1 list expert reviewed 7 cases* 1 list expert reviewed 8 cases* 1 list expert reviewed 9 cases* 1 list expert reviewed 10 cases* 1 list expert reviewed 13 cases*	59↓

Specialty	Number of cases reviewed by Experts (July 1, 2018 - March 31,2019)	Number of Experts and how often utilized (July 1, 2018 - March 31,2019)	Active List Experts 876↓
Internal Medicine (General Internal Medicine)	106	35 Experts 15 list experts reviewed 1 case each 4 list experts reviewed 2 cases each 5 list experts reviewed 3 cases each 4 list experts reviewed 4 cases each 1 list expert reviewed 5 cases* 3 list experts reviewed 6 cases each* 1 list expert reviewed 7 cases* 1 list expert reviewed 8 cases* 1 list expert reviewed 16 cases*	92↓
Cardiology/Cardiovascular Disease	10	7 Experts 6 list experts reviewed 1 case each 1 list expert reviewed 4 cases	28↓
Endocrinology, Diabetes and Metabolism	1	1 Expert 1 list expert	6
Gastroenterology	7	4 Experts 2 list experts reviewed 1 case each 1 list expert reviewed 2 cases 1 list expert reviewed 3 cases	16↓
Infectious Disease	2	2 Experts 2 list experts reviewed 1 case each	10
Medical Oncology		•	8

Specialty	Number of cases reviewed by Experts (July 1, 2018 - March 31,2019)	Number of Experts and how often utilized (July 1, 2018 - March 31,2019)	Active List Experts 876↓
Nephrology	5	4 Experts 3 list experts reviewed 1 case each 1 list expert reviewed 2 cases	13↑
Pulmonary Disease	1	1 Expert	21
Rheumatology			5↓
Medical Toxicology	1	1 Expert 1 list expert	1
Midwife Reviewer			4
Neurological Surgery	13	3 Experts 1 list expert reviewed 2 cases 1 list expert reviewed 3 cases 1 list expert reviewed 9 cases*	8
Neurology	16	7 Experts 2 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	23
Neurology with Special Qualifications in Child Neurology			3↑

Specialty	Number of cases reviewed by Experts (July 1, 2018 - March 31,2019)	Number of Experts and how often utilized (July 1, 2018 - March 31,2019)	Active List Experts 876↓
Obstetrics & Gynecology	43	28 Experts 21 list experts reviewed 1 case each 3 list experts reviewed 2 cases each 1 list expert reviewed 3 cases 3 list experts reviewed 5 cases each*	67↓
OCCUPATIONAL MEDICINE	2	1 Expert 1 list expert reviewed 2 cases	6
Ophthalmology	19	11 Experts 6 list experts reviewed 1 case each 3 list experts reviewed 2 cases each 1 list expert reviewed 3 cases 1 list expert reviewed 4 cases	26
Orthopaedic Surgery	25	14 Experts 7 list experts reviewed 1 case each 4 list experts reviewed 2 cases each 2 list experts reviewed 3 cases each 1 list expert reviewed 4 cases	27↓
Otolaryngology	2	2 Experts 2 list experts reviewed 1 case each	21

Specialty	Number of cases reviewed by Experts (July 1, 2018 - March 31,2019)	Number of Experts and how often utilized (July 1, 2018 - March 31,2019)	Active List Experts 876↓
Pain Medicine	37	16 Experts 9 list experts reviewed 1 case each 1 list expert reviewed 2 cases 2 list experts reviewed 3 cases 2 list experts reviewed 4 cases each 1 list expert reviewed 5 cases* 1 list expert reviewed 7 cases*	18
Pathology			11
Pediatrics	14	7 Experts 4 list experts reviewed 1 case each 2 list experts reviewed 3 cases each 1 list expert reviewed 5 cases*	58↑
Pediatric Gastroenterology	1	1 Expert 1 list expert	6
Physical Medicine and Rehabilitation	3	3 Experts 3 list experts reviewed 1 case each	10
Pain Medicine	30	15 Experts 9 list experts reviewed 1 case each 2 list experts reviewed 2 cases each 3 list experts reviewed 4 cases each 1 list expert reviewed 5 cases*	40↓

Specialty	Number of cases reviewed by Experts (July 1, 2018 - March 31,2019)	Number of Experts and how often utilized (July 1, 2018 - March 31,2019)	Active List Experts 876↓	
Psychiatry	102	102  37 Experts  19 list experts reviewed 1 case each 5 list experts reviewed 2 cases each 3 list experts reviewed 3 cases each 2 list experts reviewed 4 cases each 3 list experts reviewed 5 cases each* 1 list expert reviewed 6 cases* 1 list expert reviewed 8 cases* 1 list expert reviewed 9 cases* 2 list experts reviewed 10 cases each*		
Addiction Psychiatry	1	1 Expert 1 list expert	10↑	
Surgery	15	11 Experts 6 list experts reviewed 1 case each 5 list experts reviewed 2 cases each	41↓	
Pediatric Surgery			3↑	
Vascular Surgery	12	5 Experts 2 list experts reviewed 1 case each 2 list experts reviewed 2 cases each 1 list expert reviewed 6 cases*	5	
Thoracic and Cardiac Surgery	2	2 Experts 1 list expert reviewed 1 case 1 list expert reviewed 2 cases	10↓	

Specialty	Number of cases reviewed by Experts (July 1, 2018 - March 31,2019)	Number of Experts and how often utilized (July 1, 2018 - March 31,2019)	Active List Experts 876↓
Urology	11	4 Experts 2 list experts reviewed 2 cases each 1 list expert reviewed 4 cases 1 list expert reviewed 5 cases*	18↓

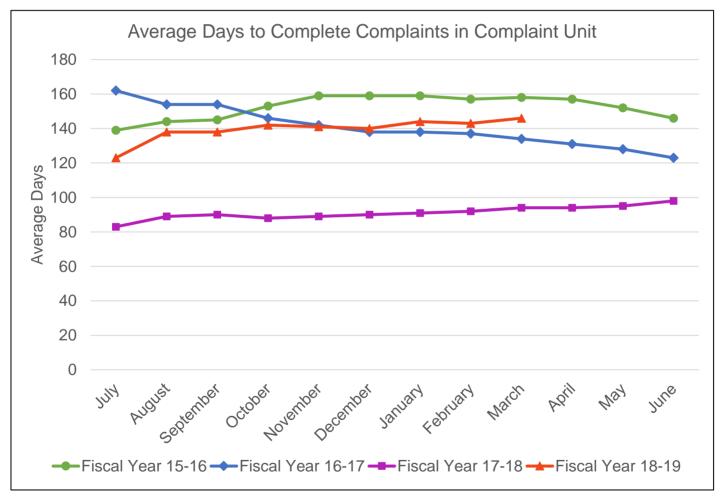
SUMMARY OF CASES REVIEWED & EXPERTS UTILIZED – 3 <sup>RD</sup> QUARTER 2018 - 2019	TOTALS
Total Cases Reviewed (July 1, 2018-March 31, 2019)	657
Total Experts Utilized (July 1, 2018-March 31, 2019)	292
Total Active List Experts (April 2, 2019)	876

<sup>\*</sup>Flagged as over utilized requiring prior approval from enforcement manager before utilizing services for FY 2018-19

 $<sup>\</sup>downarrow\uparrow$  Numbers fluctuate based on availability 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 15-16	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19
July	139	162	83	123
August	144	154	89	138
September	145	154	90	138
October	153	146	88	142
November	159	142	89	141
December	159	138	90	140
January	159	138	91	144
February	157	137	92	143
March	158	134	94	146
April	157	131	94	
May	152	128	95	
June	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.

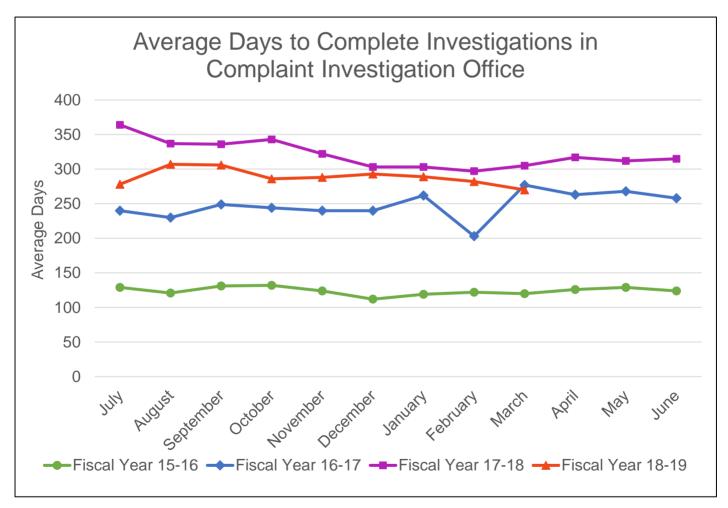
# Medical Board of California Enforcement Program Average Days to Complete Investigations in Complaint Investigations Office

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	Fiscai Year	Fiscai Year	Fiscai Year	Fiscai Year
Month	15-16	16-17	17-18	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	289
February	122	203	297	282
March	120	277	305	270
April	126	263	317	
May	129	268	312	
June	124	258	315	

Figure Figure Voor

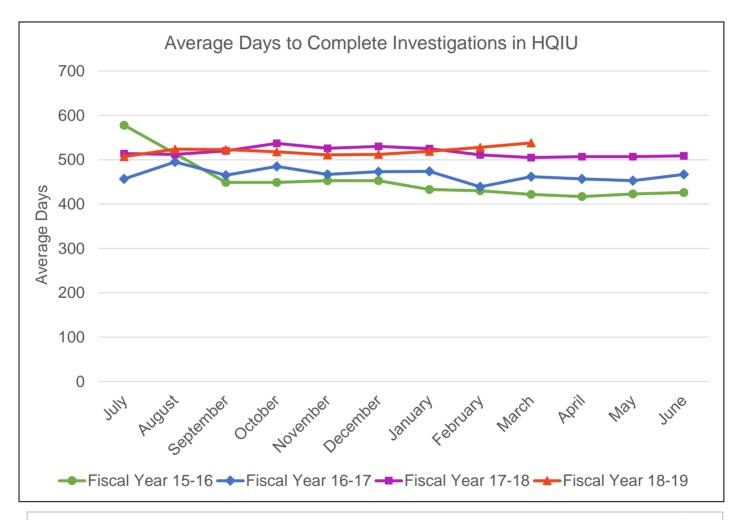


Investigation processing days are from the date case was assigned to Complaint Investigation Office (CIO) Investigator by Complaint Unit until closure or referral (does not include Complaint Unit processing days for complaints completed at CIO). Includes physician and surgeon data only.

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

Fiscal Year Fiscal Year Fiscal Year Fiscal Year

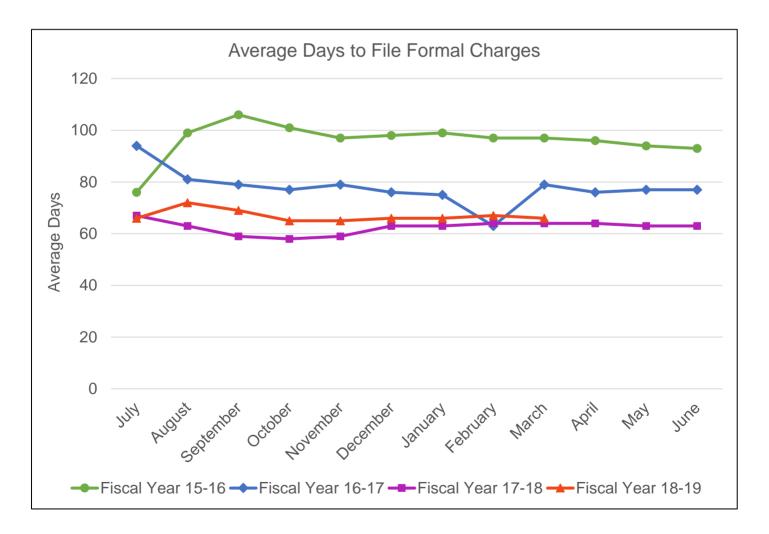
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Month	15-16	16-17	17-18	18-19
July	578	457	514	507
August	514	495	512	524
September	449	465	520	523
October	449	485	537	518
November	453	467	526	511
December	453	473	530	512
January	433	474	525	519
February	430	439	511	528
March	422	462	505	538
April	417	457	507	
May	423	453	507	
June	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 44 days through March 2019. Includes physician and surgeon data only.

# Medical Board of California Enforcement Program Agenda Item 7B Average Days to File Administrative Charges Prepared by the Office of the Attorney General

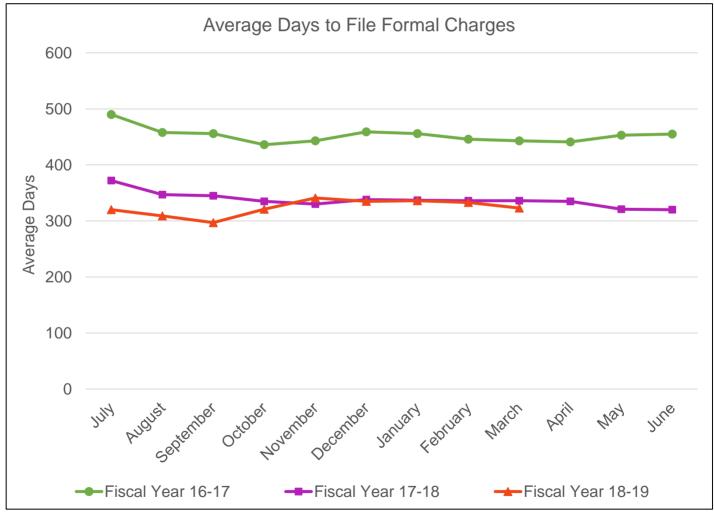
Month	Fiscal Year 15-16	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19
July	76	94	67	66
August	99	81	63	72
September	106	79	59	69
October	101	77	58	65
November	97	79	59	65
December	98	76	63	66
January	99	75	63	66
February	97	63	64	67
March	97	79	64	66
April	96	76	64	
May	94	77	63	
June	93	77	63	



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 7B Average Days from Accusation/Petition to Revoke/Statement of Issues to Final Decision

	Fiscal Year	Fiscal Year	Fiscal Year
Month	16-17	17-18	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	336
February	446	336	333
March	443	336	323
April	441	335	
May	453	321	
June	455	320	



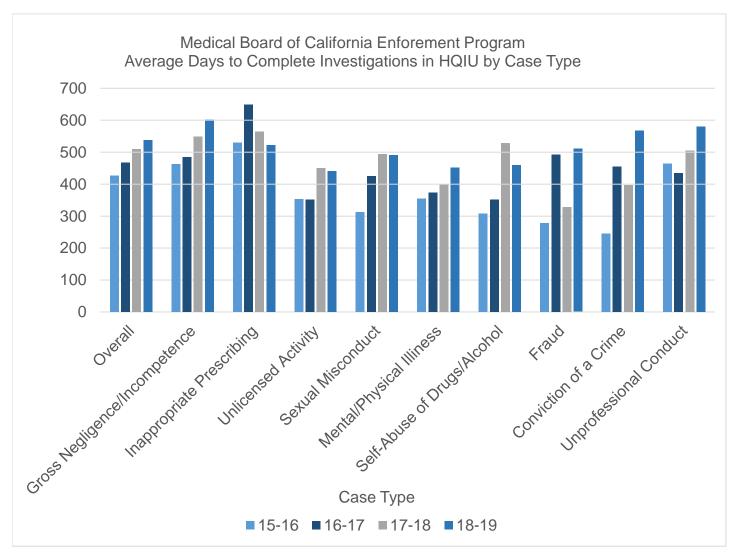
Average Days from Accusation, Petition to Revoke or Statement of Issues filed to final decision. \*The version of this report included records that were correctly documented in the legacy system but were incorrectly converted into the BreEZe system. This resulted in, changes to the average days. Includes physician and surgeon data only.

#### **ENFORCEMENT TIMEFRAMES**

Fiscal Year	14-15 Average	14-15 Median	15-16 Average	15-16 Median	16-17 Average	16-17 Median	17-18 Average	17-18 Median	18-19 <sup>1 &amp; 2</sup> Average	18-19 <sup>1 &amp; 2</sup> Median
COMPLAINT PROCESSING	140	113	146	119	123	89	98	58	146	122
INVESTIGATION PROCESSING - MBC - CIO (Complaint Investigation Office)	102	57	124	52	258	203	316	251	270	145
INVESTIGATION PROCESSING - HQIU (Health Quality Investigation Unit)	382	352	426	367	467	431	510	483	538	498
TOTAL MBC & HQIU DAYS	228	150	230	155	141	104	119	68	179	142
TOTAL MBC & HQIU YEARS	0.62	0.41	0.63	0.42	0.39	0.28	0.33	0.19	0.49	0.39
AG PREP - Attorney General Preparation for Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues	98	68	93	67	77	62	63	51	66	55
POST - Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues	459	392	453	378	455	368	322	285	323	307
ACCUSATION DECLINED BY AG	44	23	56	31	25	14	114	19	70	26
TOTAL AG DAYS	473	413	479	393	473	328	327	286	330	309
TOTAL AG YEARS	1.30	1.13	1.31	1.08	1.30	0.90	0.90	0.78	0.90	0.85
TOTAL MBC & AG DAYS	956	927	967	919	1034	1040	926	939	997	1053
TOTAL MBC & AG YEARS	2.62	2.54	2.65	2.52	2.83	2.85	2.54	2.57	2.73	2.88

Years calculated using 365 days per year <sup>1</sup> Data through 3/31/19

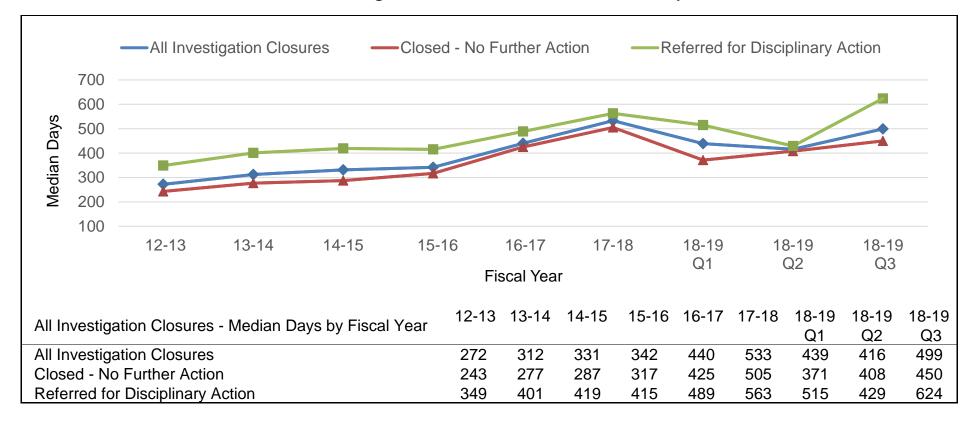
<sup>&</sup>lt;sup>2</sup> Effective 7/1/18 investigation processing days are from the date the case was referred to HQIU for investigation until closure or referral (this does not include Complaint Unit processing days for complaints completed at HQIU). Includes physican and surgeon data only.



Case Type by Fiscal Year	15-16	16-17	17-18	18-19
Overall	426	467	509	538
Gross Negligence/Incompetence	463	485	549	602
Inappropriate Prescribing	529	649	564	522
Unlicensed Activity	353	351	450	440
Sexual Misconduct	313	425	493	490
Mental/Physical Illiness	354	373	399	452
Self-Abuse of Drugs/Alcohol	307	351	528	460
Fraud	277	492	328	511
Conviction of a Crime	245	455	396	567
Unprofessional Conduct	464	435	504	580

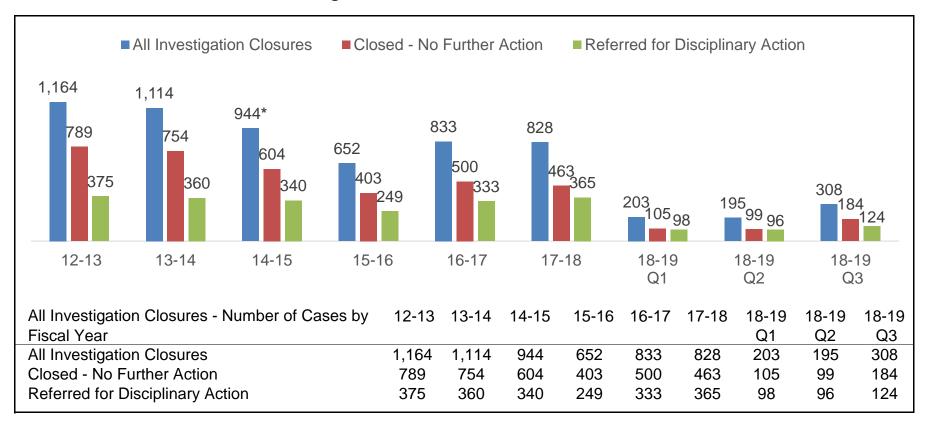
Effective 7/1/18 investigation processing days are from the date the case was referred to HQIU until closure or referral (this does not include Complaint Unit processing days for complaints completed at HQIU). This includes post-investigation processing time by HQIU, and review time by the Attorney General and Board after the investigation is completed, which is an average of 44 days through March 2019. Includes physician and surgeon data only.

## All Investigation Closures - Median Days\*



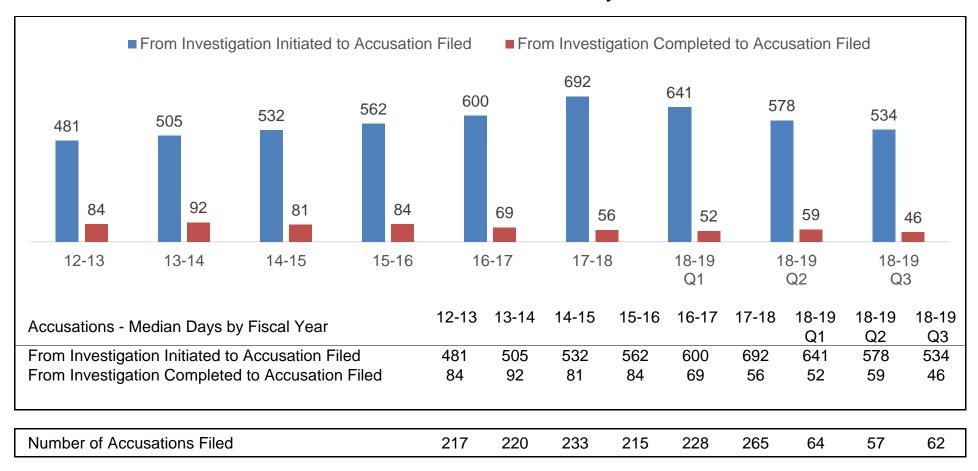
<sup>\*</sup>Median days - From the date the case was assigned to the Investigator/Deputy Attorney General to closure or referral to the

# All Investigation Closures - Number of Cases

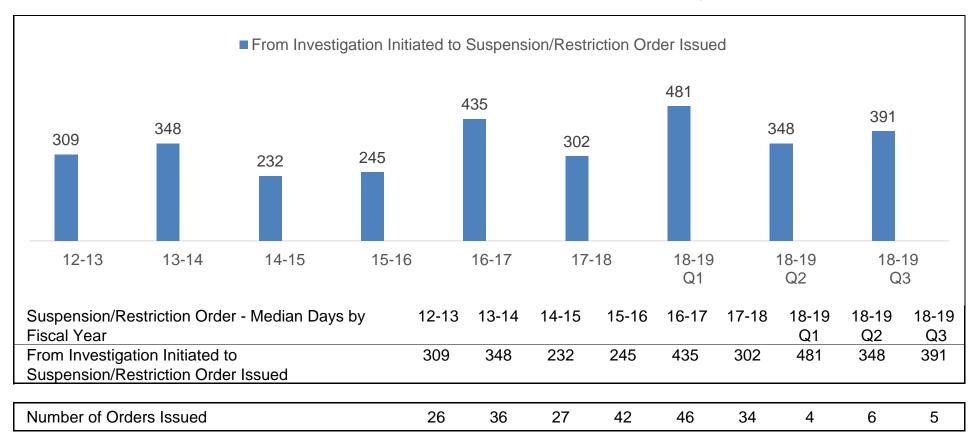


<sup>\*</sup>This decrease is due to the Board initiating, in July 2014, a complaint investigation office of non-sworn special investigators who began investigating cases that would have been sent to HQIU.

## Accusation - Median Days

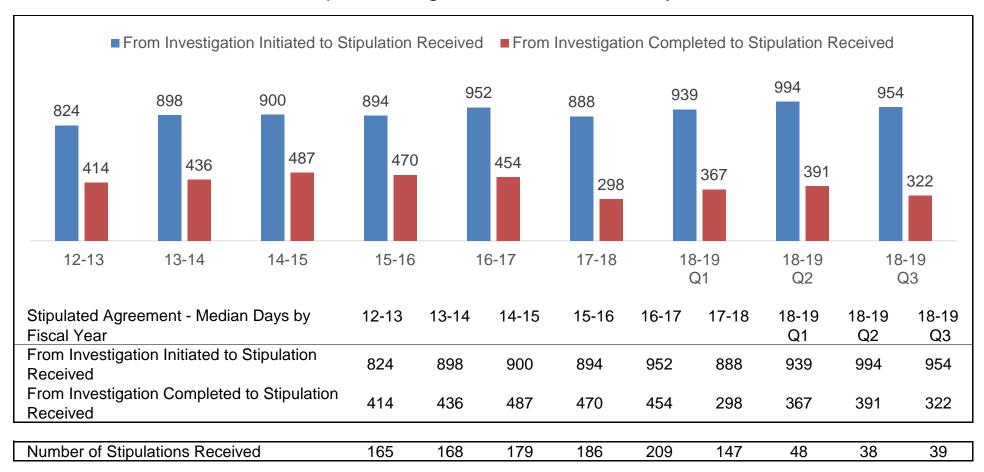


## Suspension/Restriction Order - Median Days\*

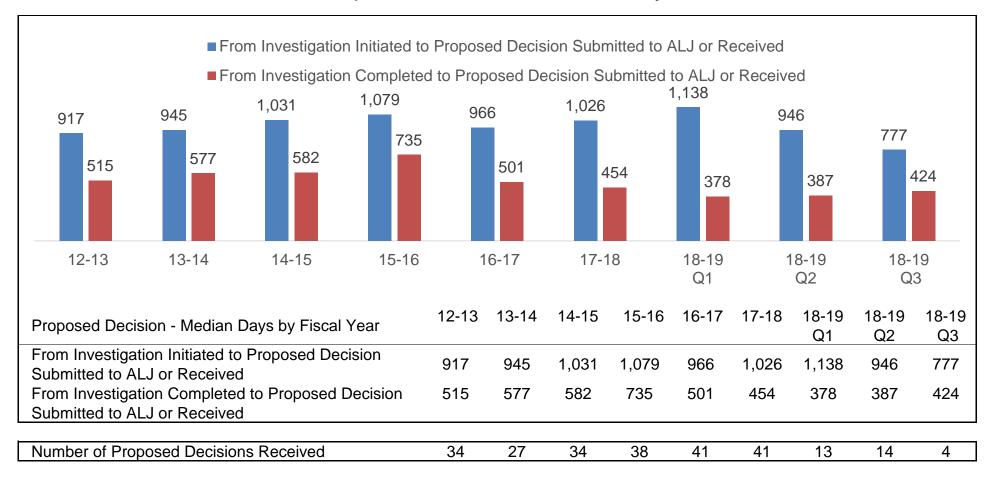


<sup>\*</sup>This data includes: interim suspension orders, Penal Code section 23 restrictions, stipulated agreements to restrictions/suspension, and temporary restraining orders. It does not include out-of-state suspension orders, automatic

## Stipulated Agreement - Median Days



## Proposed Decision - Median Days



## Default Decision - Median Days

