

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: October 10, 2019
ATTENTION: Members, Medical Board of California
SUBJECT: Enforcement Program Summary
STAFF CONTACT: Jenna Jones, 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 837 active experts in the Board's expert database and 117 experts were utilized to review 168 cases from July 1, 2019 through September 30, 2019. (See Attachment A). Advertisement for the following specialties will be in the Board's fall 2019 Newsletter:

- Addiction Medicine with added certification in Family Medicine or Internal Medicine or Psychiatry
- Clinical Genetics
- Colon/Rectal Surgery
- Dermatology
- Family Medicine
- Gastroenterology
- Hematology
- Neurological Surgery
- Neurology
- Obstetrics and Gynecology
- Orthopaedic Surgery
- Pain Medicine
- Pathology (preferably from the following counties: Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, and Ventura)
- 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 procedures
- Psychiatry (forensic and addiction)
- Radiation Oncology
- Surgery (general and endocrine surgery)
- Thoracic and cardiac surgery
- Urology (with expertise in general and gender reassignment surgical procedures)
- Vascular Surgery

One expert reviewer training was held in Sacramento and two were held in Los Angeles over the last quarter. One remaining training session will be held in Sacramento this calendar year. A training in Southern California is also scheduled for February 2019.

Central Complaint Unit:

The average number of days to initiate a complaint in the Central Complaint Unit (CCU) is 14 days for the first quarter of FY 2019-2020, which is not within the timeframe mandated by Business and Professions Code section 129(b). The average days to complete the processing of a complaint in CCU is 163 days. CCU analysts are focusing their efforts to reduce the aging of all case types.

CCU filled one vacant associate governmental program analyst (AGPA) position in the Medical Consultant Program on July 1, 2019. CCU has two vacant AGPA positions and a vacant management services technician position. Both positions were advertised, applications will be reviewed and interviews will be conducted for these positions. CCU also has one vacant staff services manager I position, which is pending advertisement.

Complaint Investigation Office:

The Complaint Investigation Office (CIO) non-sworn investigators currently have a caseload of approximately 37 cases each, however, this excludes the 801 cases that are being processed by the CIO staff on behalf of CCU. Earlier this year, to assist the CCU, the CIO unit began processing 801 cases from the initial receipt of the case rather than after a determination of a violation after a medical consultant review. The CIO received 473 of the 801 cases to process. This has assisted with the volume of complaints in the CCU and has also assisted in finding efficiencies in the processing of these case types. Since the last enforcement summary, CIO has closed 108 cases and has transmitted 17 cases to the Attorney General's Office (AGO) - 9 criminal conviction cases, 2 malpractice cases, 4 petitions for reinstatement of licensure, and 2 complaints from various sources (public, government agency). Additionally, the CIO referred 2 cases to the Board's Cite and Fine Program.

Discipline Coordination Unit:

The DCU currently has four vacancies, two staff services analyst (SSA) positions and two AGPA positions. Three of the vacancies have been advertised, and two have passed the final filing date. Interviews for one SSA position have been conducted. Management is currently reviewing applications for one AGPA position, and interviews will be conducted the last week of October.

Probation Unit:

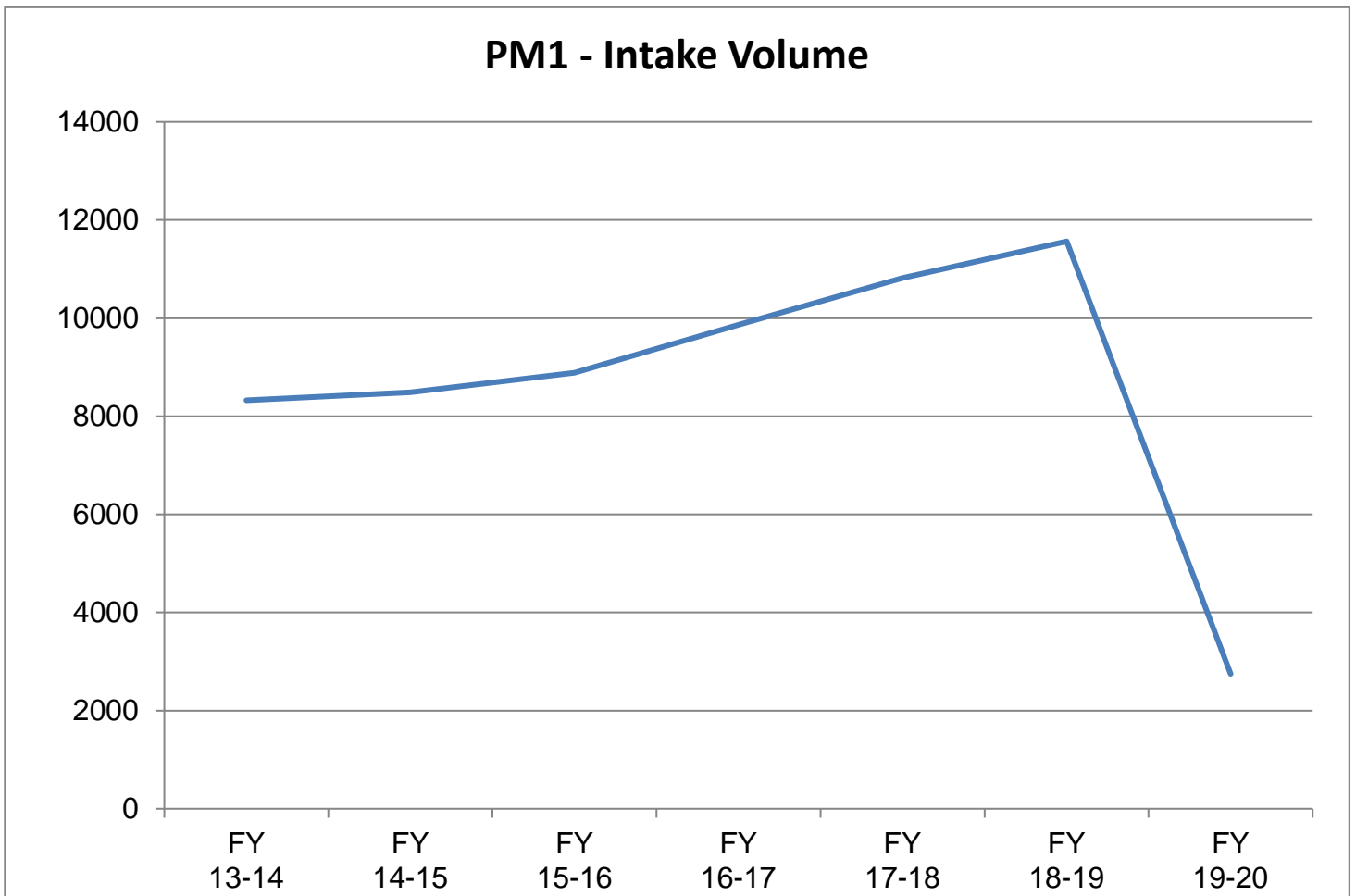
Since the last enforcement summary, management in the Probation Unit has filled two inspector positions and one inspector III position. One inspector incumbent reported to

work in Sacramento on August 20, 2019. The individual selected to fill the second Sacramento inspector position began work on October 14, 2019. A retired annuitant was hired to fill the vacant inspector III position in the Board's Probation South office. The incumbent reported to work August 19, 2019. The Probation Unit currently has one vacant inspector II position in San Diego. The final filing date for this position was September 30, 2019. Applications are currently being reviewed and interviews are expected to be conducted by the end of October.

Enforcement Performance Measures:

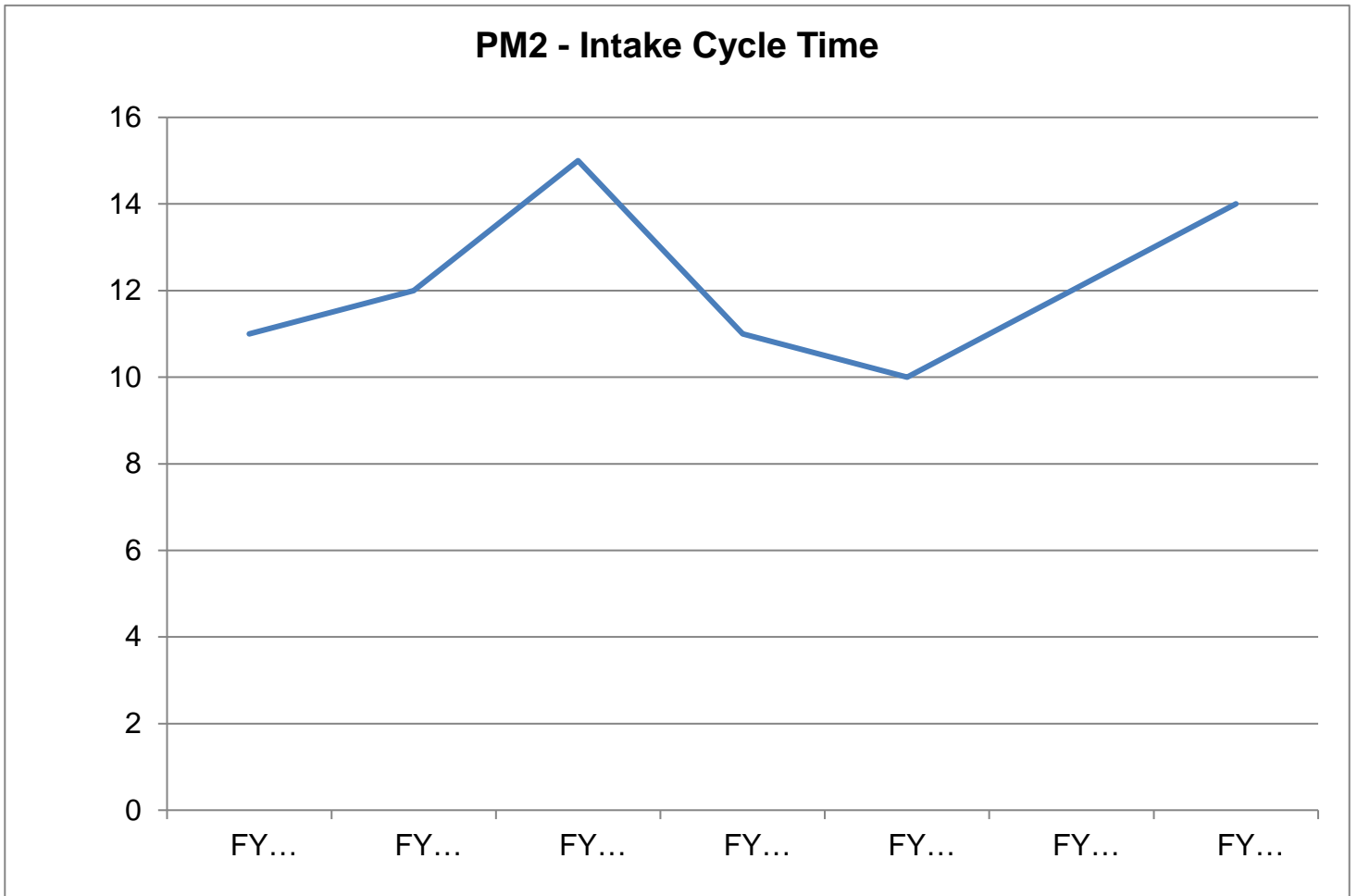
The charts on the following pages depict workload statistics regarding the number of complaints received, which includes complaints and arrest notifications (PM1), the average number of days to initiate a complaint and assign it to an analyst (PM2), the average number of days it takes to complete a case 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, 17/18, and 18/19 are reflected. Additionally, all statistics for fiscal year 19/20 only reflect from July 1, 2019 to September 30, 2019.

**Medical Board of California Enforcement Program
PM1 - Intake Volume**



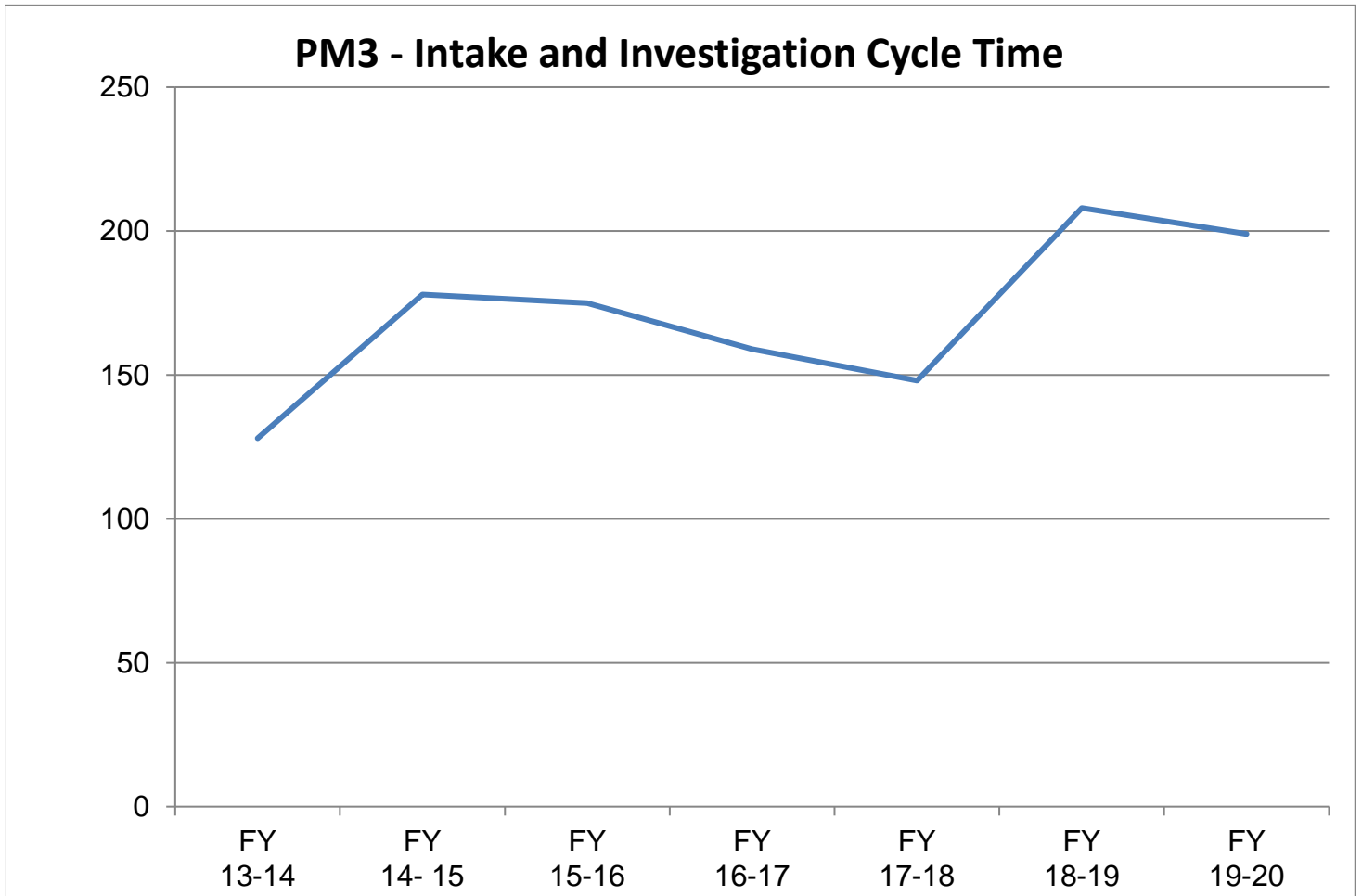
Month	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Volume	8325	8490	8885	9862	10817	11565	2749

**Medical Board of California Enforcement Program
PM2 - Intake Cycle Time**



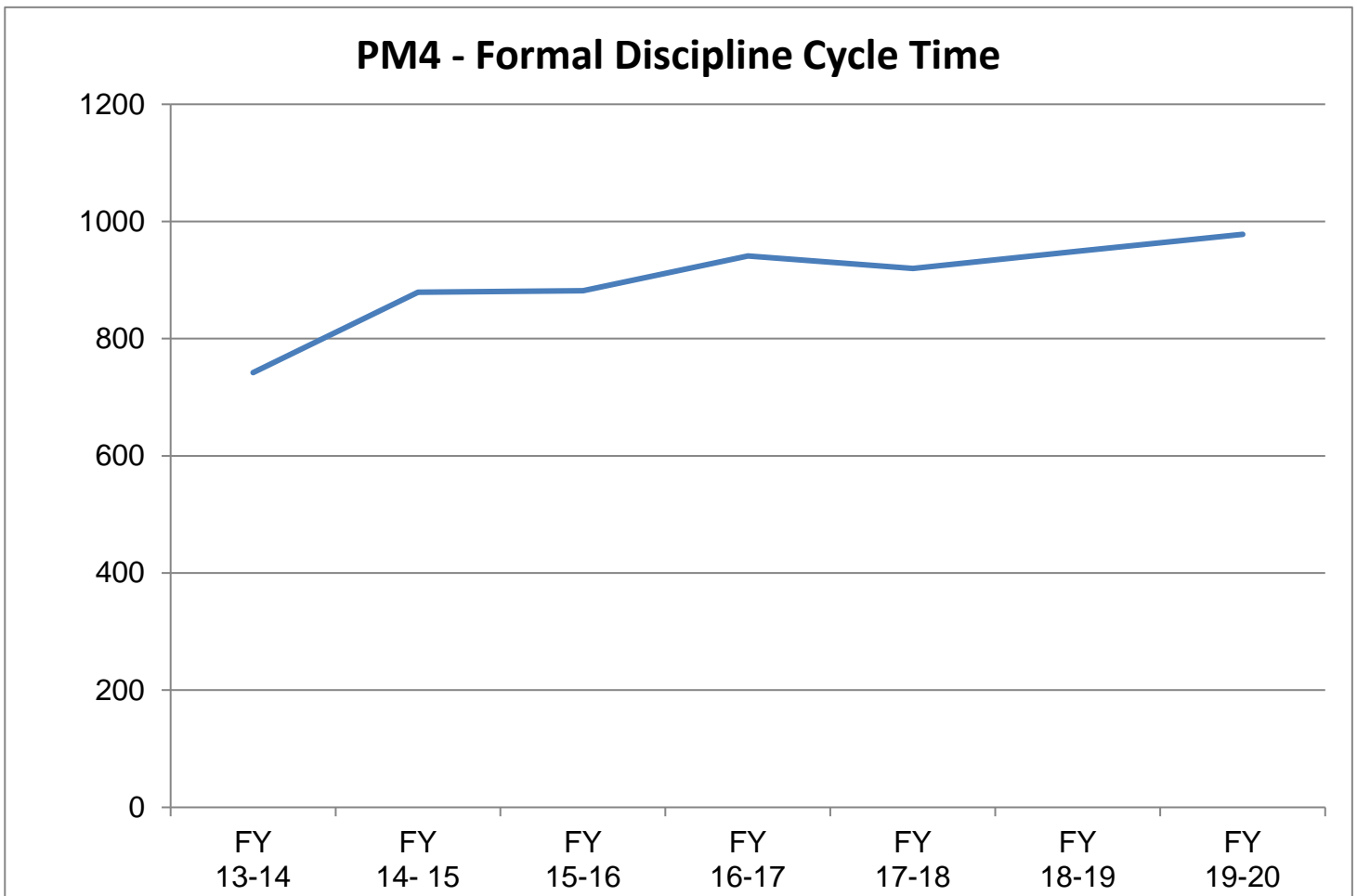
Month	FY 13-14	FY 14- 15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Cycle Time	11	12	15	11	10	12	14

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



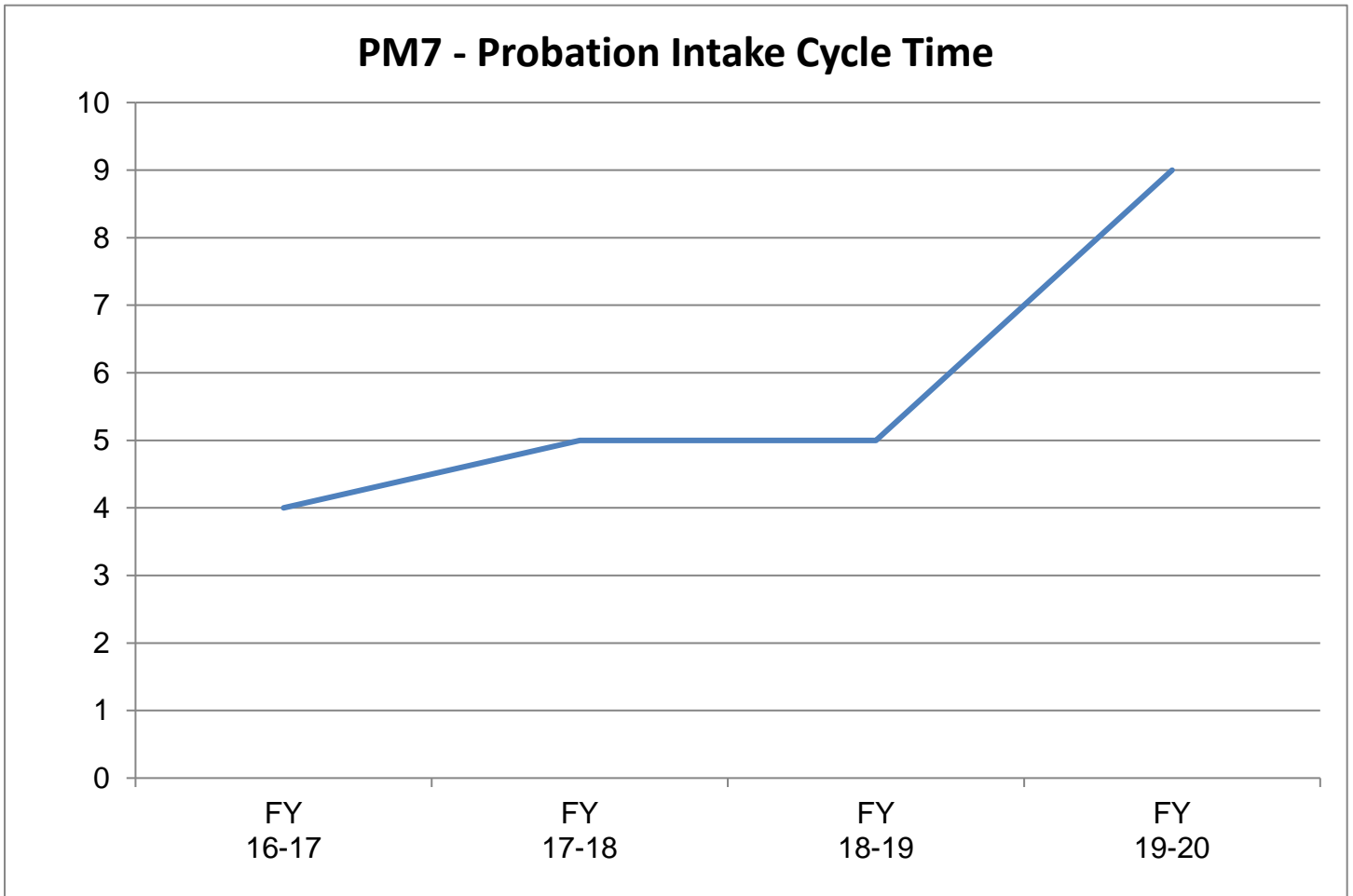
Month	FY 13-14	FY 14- 15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Cycle Time	128	178	175	159	148	208	199

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



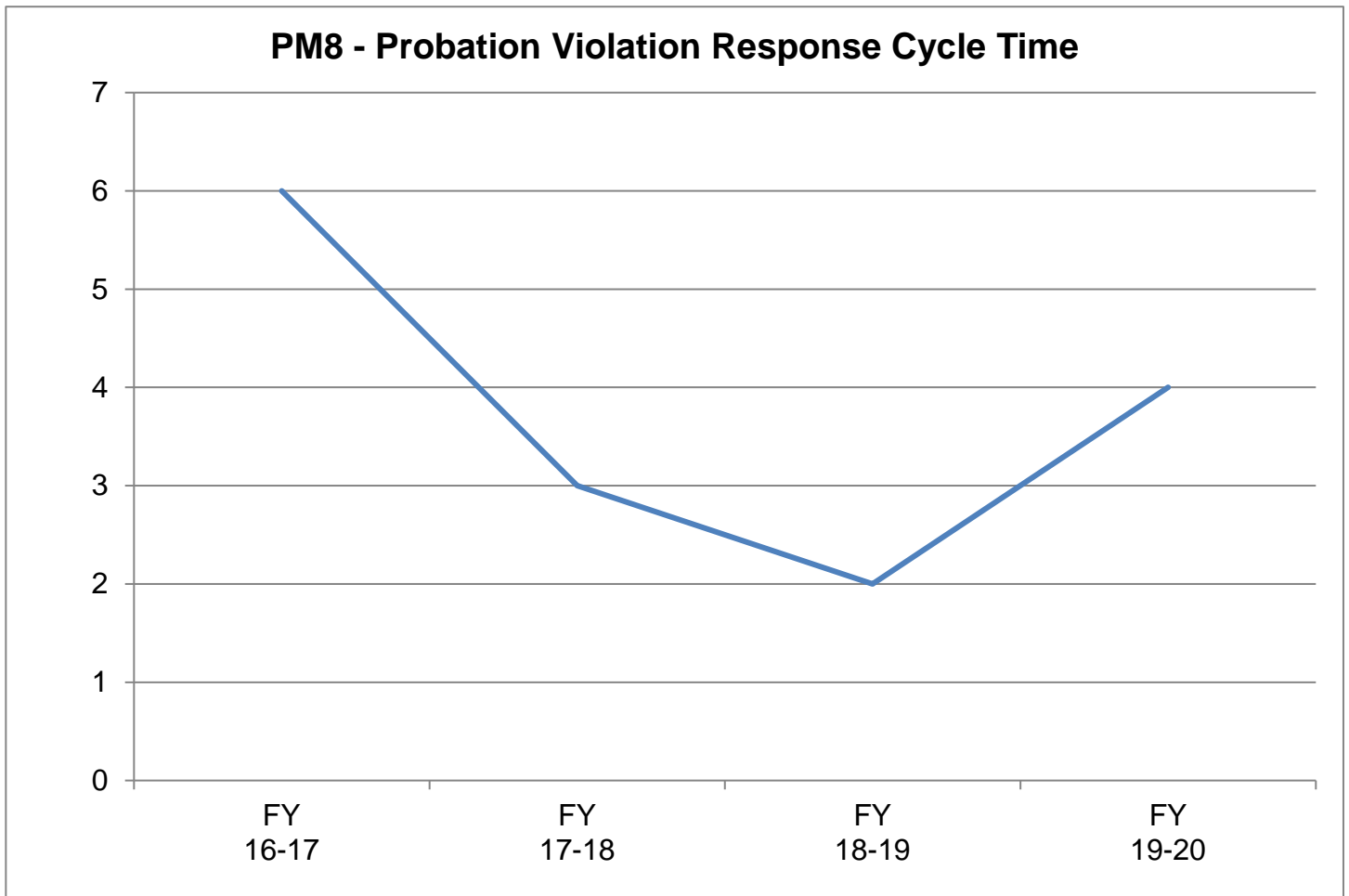
Month	FY 13-14	FY 14- 15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Cycle Time	742	879	882	941	920	949	978

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



Month	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Cycle Time	4	5	5	9

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



Month	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Cycle Time	6	3	2	4

Medical Board of California Expert Reviewer Program Report

Utilization of Experts First Quarter FY 2019-20

Specialty	Number of cases reviewed by Experts (July 1, 2019 through September 30, 2019)	Number of Experts and how often utilized (July 1, 2019 through September 30, 2019)	Active List Experts Total: 837↓
Addiction Medicine			7
Allergy and Immunology		1 Expert • 1 list expert	5↓
Anesthesiology	2	3 Experts • 3 list experts reviewed 1 case each	61
Colon and Rectal Surgery			3
Complementary/Alternative Medicine			16↓
Dermatology	7	3 Experts • 1 list expert reviewed 1 case • 1 list expert reviewed 2 cases • 1 list expert reviewed 4 cases	10↓
Diagnostic Radiology			27↓
Emergency	4	4 Experts • 4 list experts reviewed 1 case each	46↑

Specialty	Number of cases reviewed by Experts (July 1, 2019 through September 30, 2019)	Number of Experts and how often utilized (July 1, 2019 through September 30, 2019)	Active List Experts Total: 837↓
Family Medicine	28	17 Experts <ul style="list-style-type: none"> • 10 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 	58
Internal Medicine (General Internal Medicine)	22	16 Experts <ul style="list-style-type: none"> • 12 list experts reviewed 1 case each • 2 list experts reviewed 2 cases each • 2 list experts reviewed 3 cases each 	88↓
Cardiology/Cardiovascular Disease	3	3 Experts <ul style="list-style-type: none"> • 3 list experts reviewed 1 case each 	23↓
Endocrinology, Diabetes and Metabolism	3	1 Expert <ul style="list-style-type: none"> • 1 list expert reviewed 3 cases 	6
Gastroenterology	1	1 Expert <ul style="list-style-type: none"> • 1 list expert reviewed 1 case 	16
Infectious Disease	1	1 Expert <ul style="list-style-type: none"> • 1 list expert reviewed 1 case 	9
Medical Oncology	1	1 Expert <ul style="list-style-type: none"> • 1 list expert reviewed 1 case 	6
Nephrology			12↓
Pulmonary Disease			18

Specialty	Number of cases reviewed by Experts (July 1, 2019 through September 30, 2019)	Number of Experts and how often utilized (July 1, 2019 through September 30, 2019)	Active List Experts Total: 837↓
Rheumatology			4↓
Medical Toxicology			1
Midwife Reviewer	1	1 Expert <ul style="list-style-type: none"> 1 list expert reviewed 1 case 	9↓
Neurological Surgery	2	1 Expert <ul style="list-style-type: none"> 1 list expert reviewed 2 cases 	6
Neurology	7	6 Experts <ul style="list-style-type: none"> 5 list experts reviewed 1 case each 1 list expert reviewed 2 cases 	20↓
Neurology with Special Qualifications in Child Neurology			2
Obstetrics & Gynecology 1 case sent to 2 experts	8	8 Experts <ul style="list-style-type: none"> 7 list experts reviewed 1 case each 1 list expert reviewed 2 cases 	64
Occupational Medicine			7
Ophthalmology			26

Specialty	Number of cases reviewed by Experts (July 1, 2019 through September 30, 2019)	Number of Experts and how often utilized (July 1, 2019 through September 30, 2019)	Active List Experts Total: 837↓
Orthopaedic Surgery 1 case was sent to 2 experts	7	6 Experts <ul style="list-style-type: none"> • 5 list experts reviewed 1 case each • 1 list expert reviewed 3 cases 	29↑
Otolaryngology	1	1 Expert <ul style="list-style-type: none"> • 1 list expert reviewed 1 case • 1 list expert reviewed 2 cases 	18↓
Pain Medicine	13	7 Experts <ul style="list-style-type: none"> • 5 list experts reviewed 1 case each • 1 list expert reviewed 2 cases • 1 list expert reviewed 6 cases 	15↓
Pathology	1	1 Expert <ul style="list-style-type: none"> • 1 list expert reviewed 1 case 	11
Pediatrics	3	3 Experts <ul style="list-style-type: none"> • 3 list experts reviewed 1 case each 	58
Pediatric Gastroenterology	1	1 Expert <ul style="list-style-type: none"> • 1 list expert reviewed 1 case 	6
Pediatric Infectious Disease	1	1 Expert <ul style="list-style-type: none"> • 1 list expert reviewed 1 case 	5
Physical Medicine and Rehabilitation	1	1 Expert <ul style="list-style-type: none"> • 1 list expert reviewed 1 case 	8
Plastic Surgery	11	6 Experts <ul style="list-style-type: none"> • 3 list experts reviewed 1 case each • 1 list expert review 2 cases • 2 list experts reviewed 3 cases 	34↓

Specialty	Number of cases reviewed by Experts (July 1, 2019 through September 30, 2019)	Number of Experts and how often utilized (July 1, 2019 through September 30, 2019)	Active List Experts Total: 837↓
Psychiatry	28	14 Experts <ul style="list-style-type: none"> • 8 list experts reviewed 1 case each • 2 list experts reviewed 2 cases each • 3 list experts reviewed 3 cases each • 1 list experts reviewed 7 cases 	69↓
Addiction Psychiatry			9↓
Psychology Examiner	3	3 Examiners 3 list examiners evaluated 1 case each	25
Radiation Oncology	2	1 Expert <ul style="list-style-type: none"> • 1 list expert reviewed 2 cases 	3
Surgery 1 case was sent to 2 experts	5	2 Experts <ul style="list-style-type: none"> • 1 list expert reviewed 2 cases • 1 list expert reviewed 4 cases 	42↓
Pediatric Surgery	1	1 Expert <ul style="list-style-type: none"> • 1 list expert reviewed 1 case 	3
Vascular Surgery	3	2 Experts <ul style="list-style-type: none"> • 1 list expert reviewed 1 case • 1 list expert reviewed 2 cases 	5↓
Thoracic And Cardiac Surgery			9

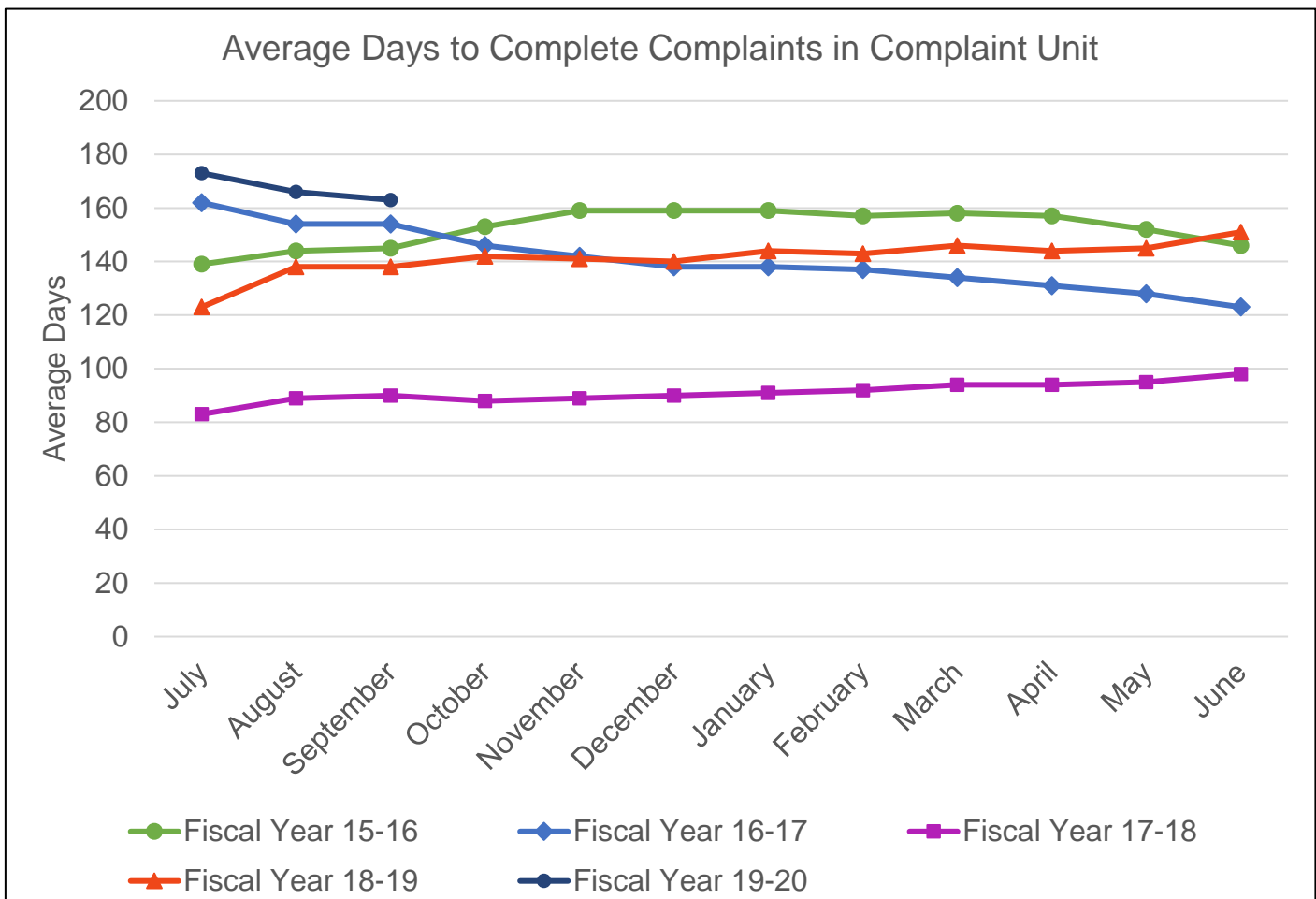
Specialty	Number of cases reviewed by Experts (July 1, 2019 through September 30, 2019)	Number of Experts and how often utilized (July 1, 2019 through September 30, 2019)	Active List Experts Total: 837↓
Urology	1	1 Expert • 1 list expert reviewed 1 case	15↓

SUMMARY OF CASES REVIEWED & EXPERTS UTILIZED – 1st QUARTER 2019 - 2020	TOTALS
Total Cases Reviewed (July 1, 2019 – Sept. 30, 2019)	168
Total Experts Utilized (July 1, 2019 – Sept. 30, 2019)	117
Total Active List Experts (September 30, 2019)	837

↓↑ 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**

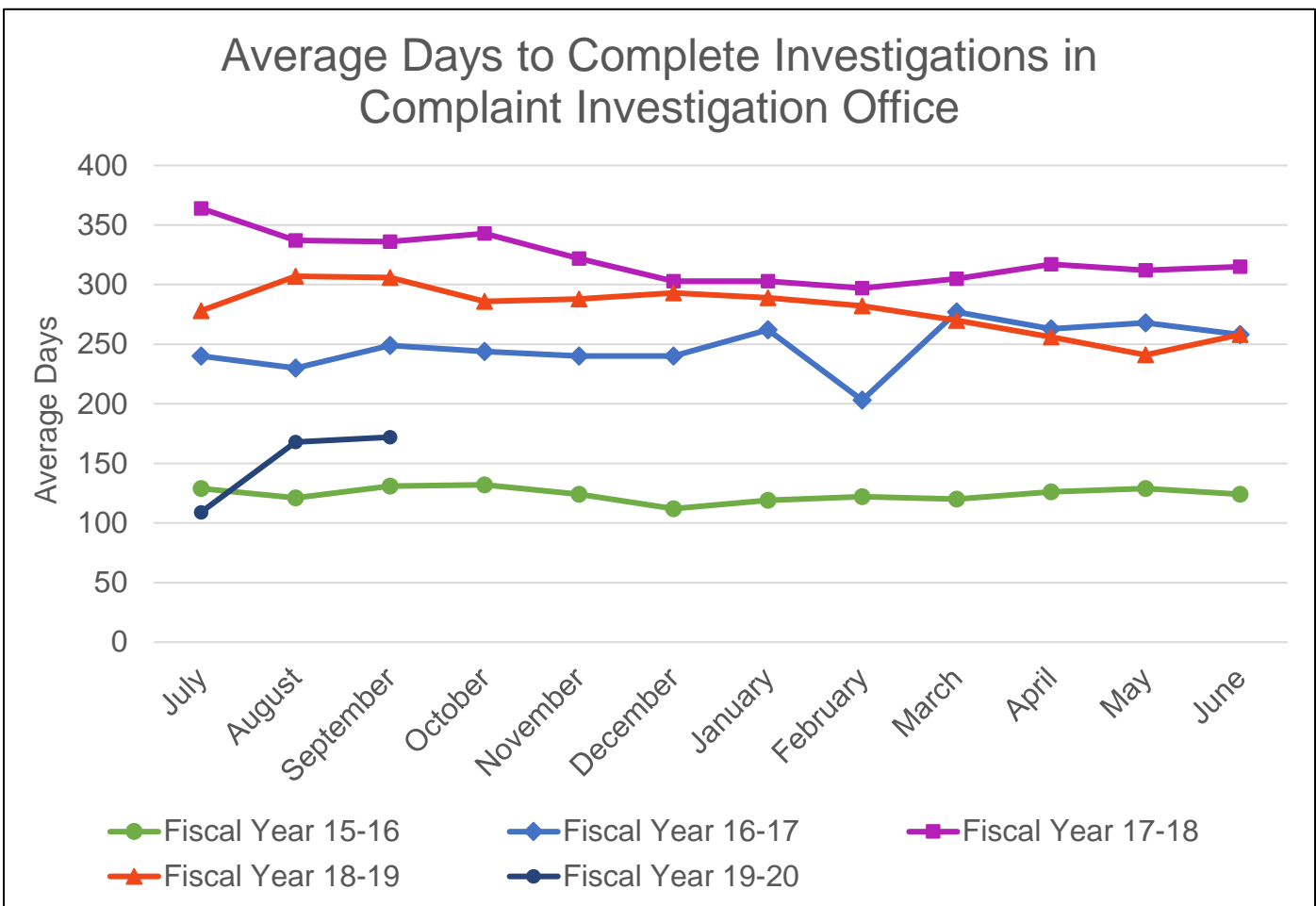
Month	Fiscal Year 15-16	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19	Fiscal Year 19-20
July	139	162	83	123	173
August	144	154	89	138	166
September	145	154	90	138	163
October	153	146	88	142	
November	159	142	89	141	
December	159	138	90	140	
January	159	138	91	144	
February	157	137	92	143	
March	158	134	94	146	
April	157	131	94	144	
May	152	128	95	145	
June	146	123	98	151	



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

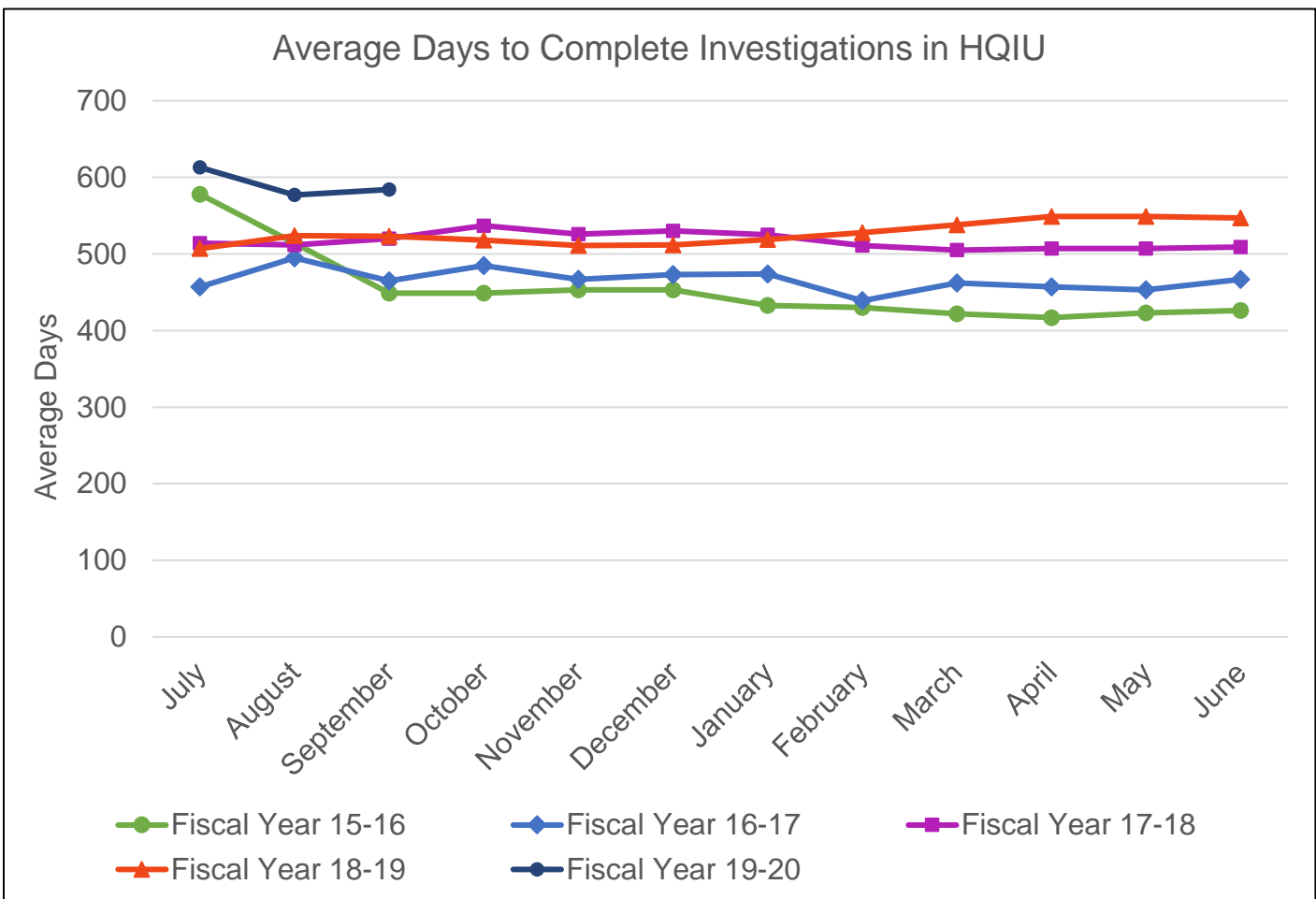
Month	Fiscal Year 15-16	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19	Fiscal Year 19-20
July	129	240	364	278	109
August	121	230	337	307	168
September	131	249	336	306	172
October	132	244	343	286	
November	124	240	322	288	
December	112	240	303	293	
January	119	262	303	289	
February	122	203	297	282	
March	120	277	305	270	
April	126	263	317	256	
May	129	268	312	241	
June	124	258	315	258	



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 15-16	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19	Fiscal Year 19-20
July	578	457	514	507	613
August	514	495	512	524	577
September	449	465	520	523	584
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	549	
May	423	453	507	549	
June	426	467	509	547	

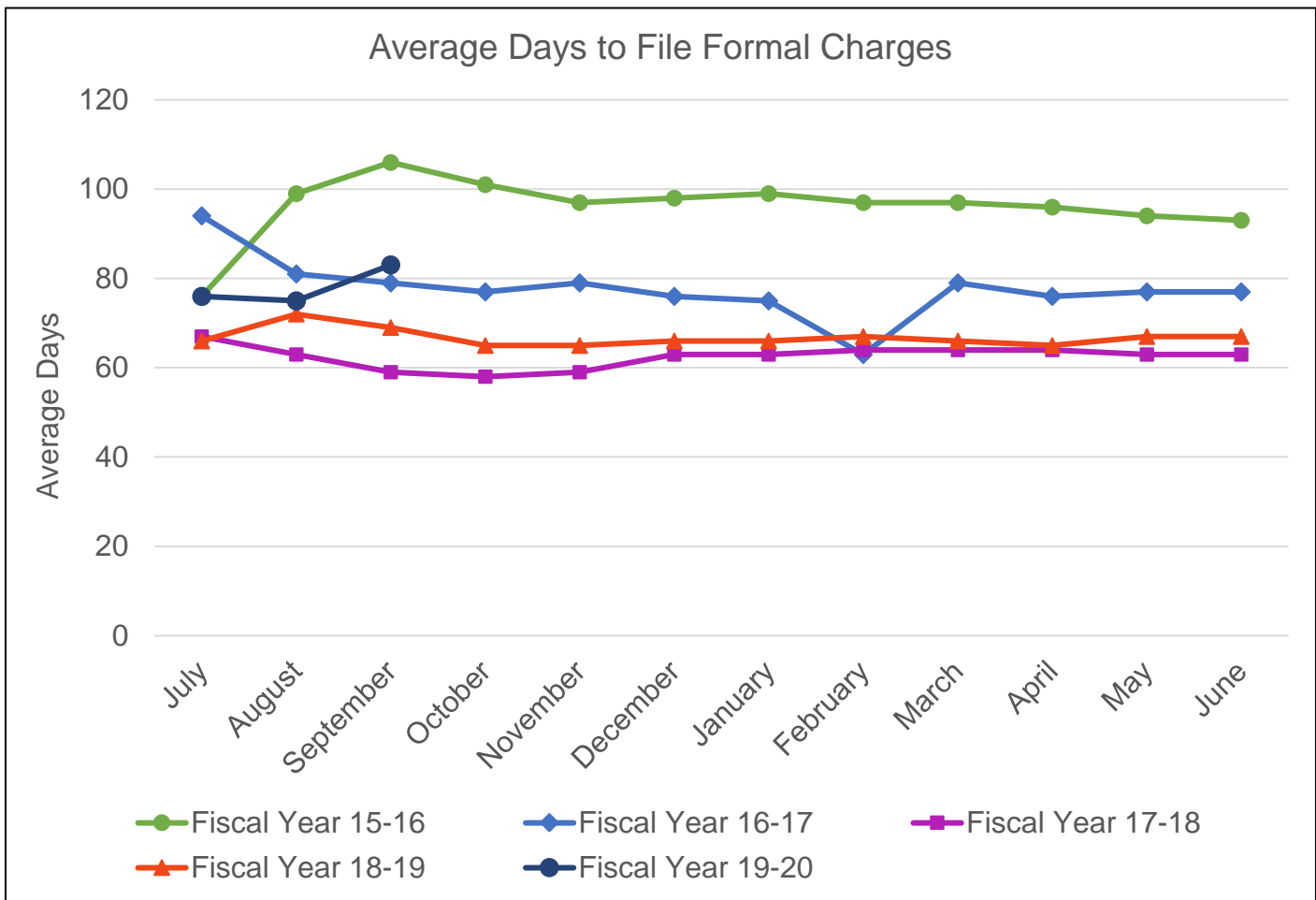


Effective 7/1/18 investigation processing days are from the date the case was referred to HQIU until closure or referral (this does not include Complaint Unit processing days for complaints completed at HQIU). This includes post-investigation processing time by HQIU, and review time by the Attorney General and Board after the investigation is completed, which is an average of 13 days through September 2019. Includes physician and surgeon data only.

Agenda Item 8B

Medical Board of California Enforcement Program
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	Fiscal Year 19-20
July	76	94	67	66	76
August	99	81	63	72	75
September	106	79	59	69	83
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	65	
May	94	77	63	67	
June	93	77	63	67	

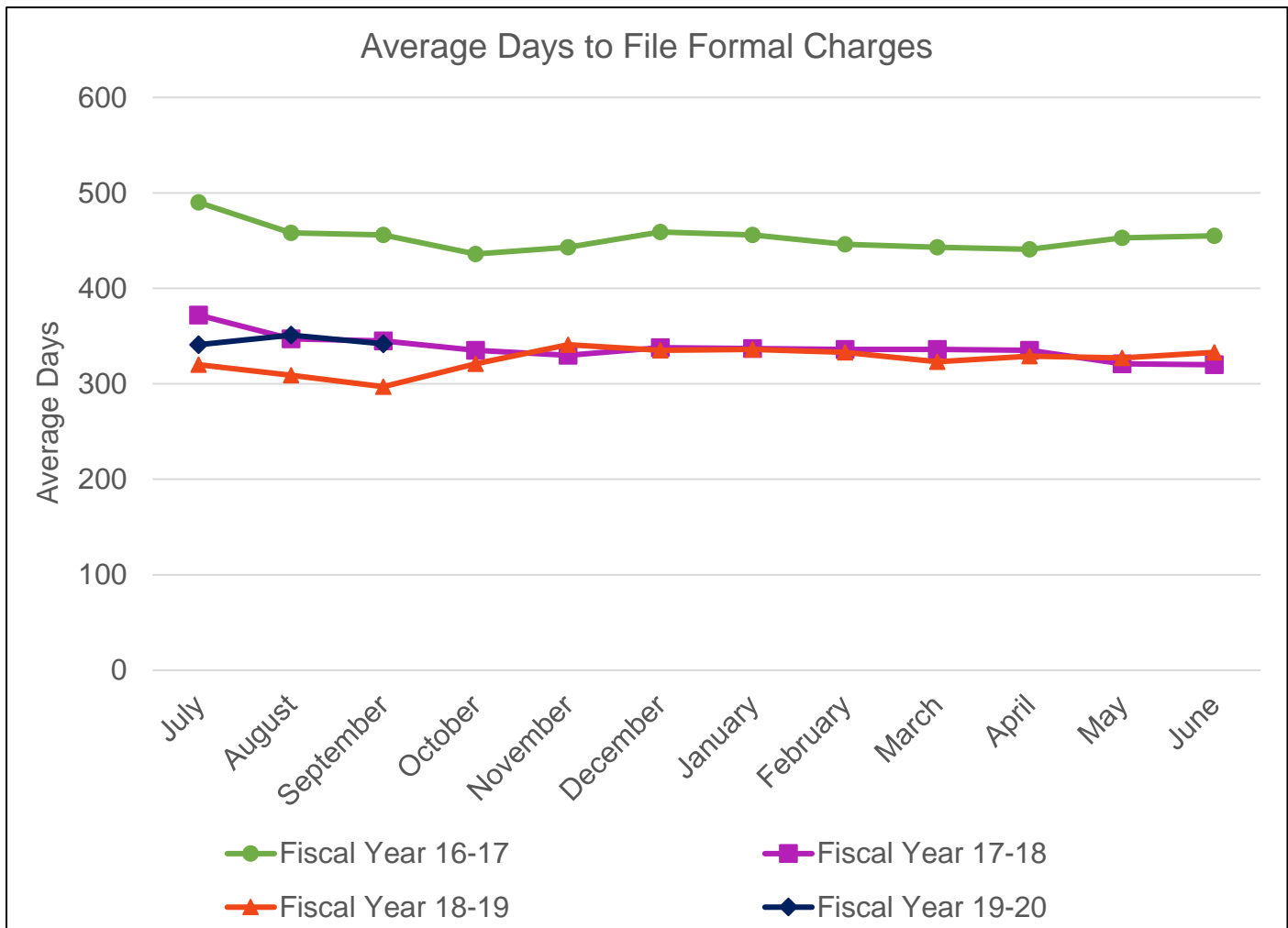


Average Days to File Formal Charges are the days from the date the case is referred to the AG's Office until formal charges are filed. Includes physician and surgeon data only.

Agenda Item 8B

Medical Board of California Enforcement Program
Average Days from Post Accusation/Petition to Revoke/Statement of Issues
to Final Decision

Month	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19	Fiscal Year 19-20
July	490	372	320	341
August	458	347	309	351
September	456	345	297	342
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	329	
May	453	321	327	
June	455	320	333	



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 and surgeon data only.

ENFORCEMENT TIMEFRAMES

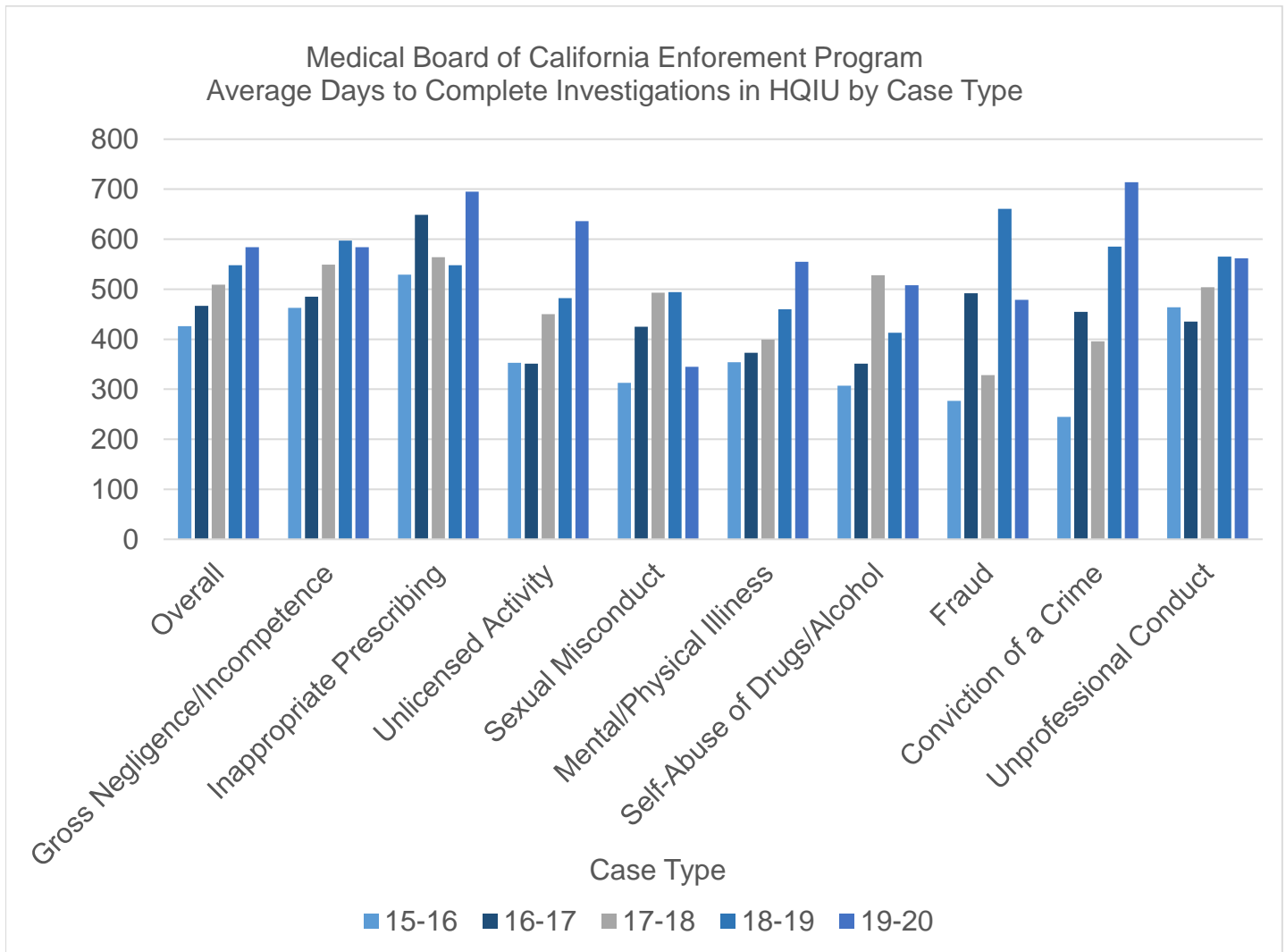
Fiscal Year	15-16 Average	15-16 Median	16-17 Average	16-17 Median	17-18 Average	17-18 Median	18-19 ¹ Average	18-19 ¹ Median	19-20 ² Average	19-20 ² Median
COMPLAINT PROCESSING	146	119	123	89	98	58	151	122	163	123
INVESTIGATION PROCESSING - MBC - CIO (Complaint Investigation Office)	124	52	258	203	316	251	258	127	172	144
INVESTIGATION PROCESSING - HQIU (Health Quality Investigation Unit)	426	367	467	431	510	483	547	502	584	568
TOTAL MBC & HQIU DAYS	230	155	141	104	119	68	179	141	177	147
TOTAL MBC & HQIU YEARS	0.63	0.42	0.39	0.28	0.33	0.19	0.49	0.39	0.48	0.40
AG PREP - Attorney General Preparation for Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues	93	67	77	62	63	51	67	55	83	68
POST - Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues	453	378	455	368	322	285	333	311	342	304
ACCUSATION DECLINED BY AG	56	31	25	14	114	19	53	32	40	33
TOTAL AG DAYS	479	393	473	328	327	286	339	312	349	309
TOTAL AG YEARS	1.31	1.08	1.30	0.90	0.90	0.78	0.93	0.85	0.96	0.85
TOTAL MBC & AG DAYS	967	919	1034	1040	926	939	1016	1057	1060	1134
TOTAL MBC & AG YEARS	2.65	2.52	2.83	2.85	2.54	2.57	2.78	2.90	2.90	3.11

Years calculated using 365 days per year

¹ 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).

² Data through 09/30/19

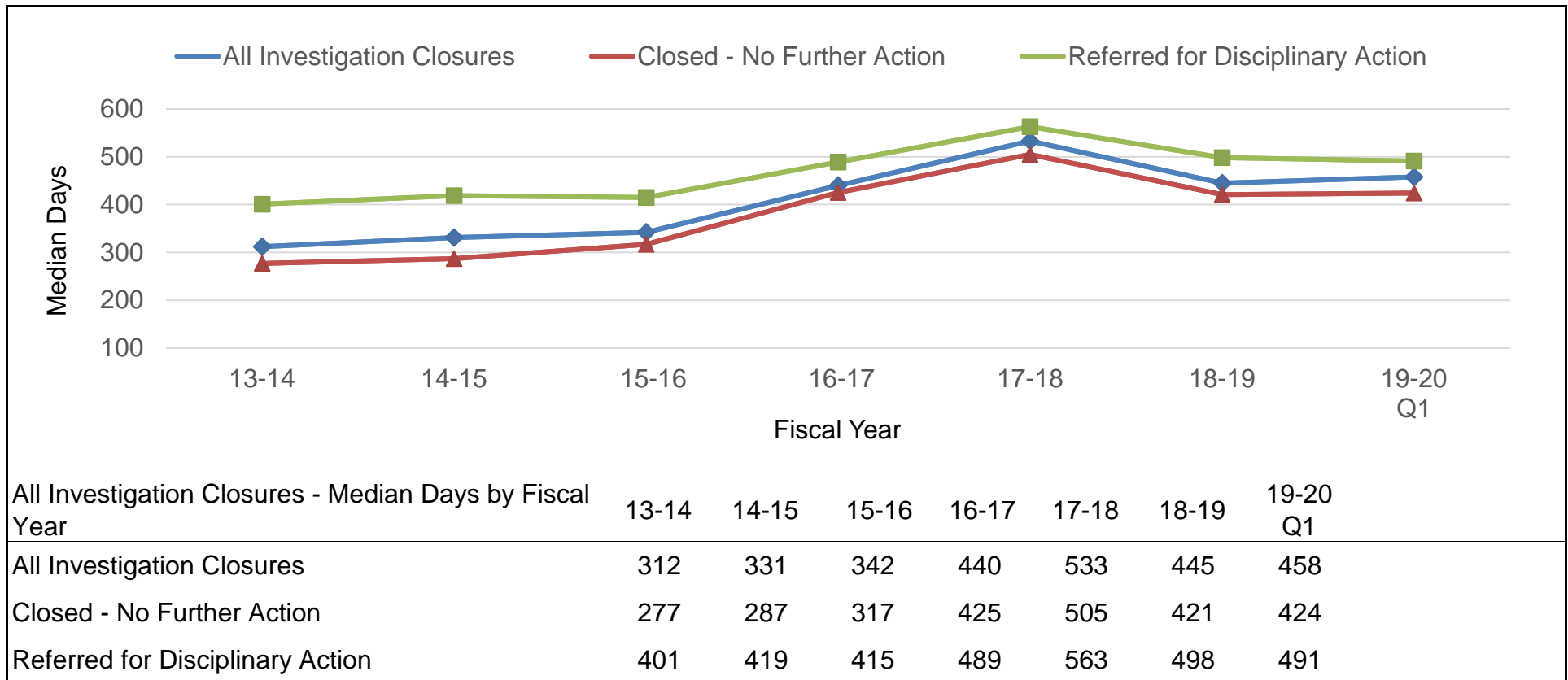
Includes physican and surgeon data only.



Case Type by Fiscal Year	15-16	16-17	17-18	18-19	19-20
Overall	426	467	509	548	584
Gross Negligence/Incompetence	463	485	549	597	584
Inappropriate Prescribing	529	649	564	548	695
Unlicensed Activity	353	351	450	482	636
Sexual Misconduct	313	425	493	494	345
Mental/Physical Illness	354	373	399	460	555
Self-Abuse of Drugs/Alcohol	307	351	528	413	508
Fraud	277	492	328	661	479
Conviction of a Crime	245	455	396	585	714
Unprofessional Conduct	464	435	504	565	562

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 13 days through September 2019. Includes physician and surgeon data only.

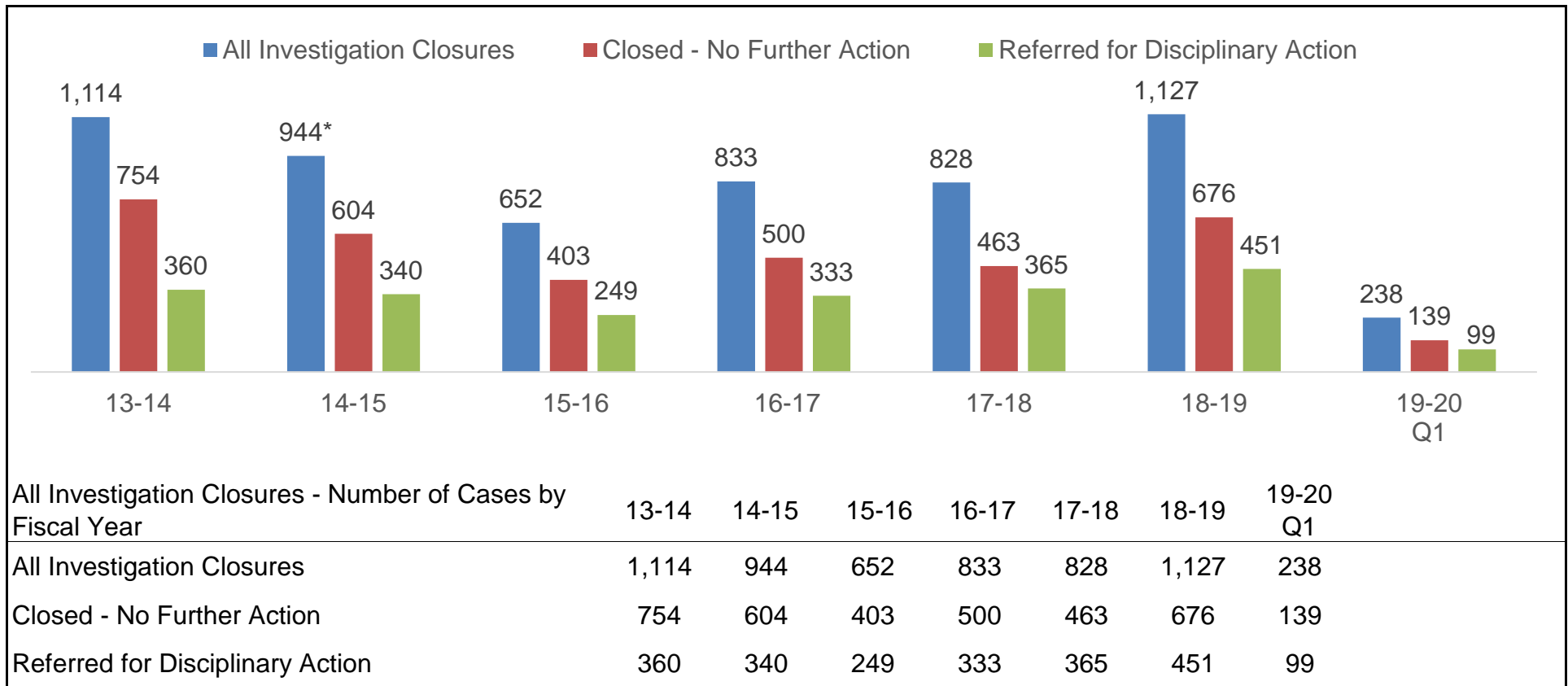
Medical Board of California - Enforcement Program
All Investigation Closures - Median Days*



*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.

The graph above excludes 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.

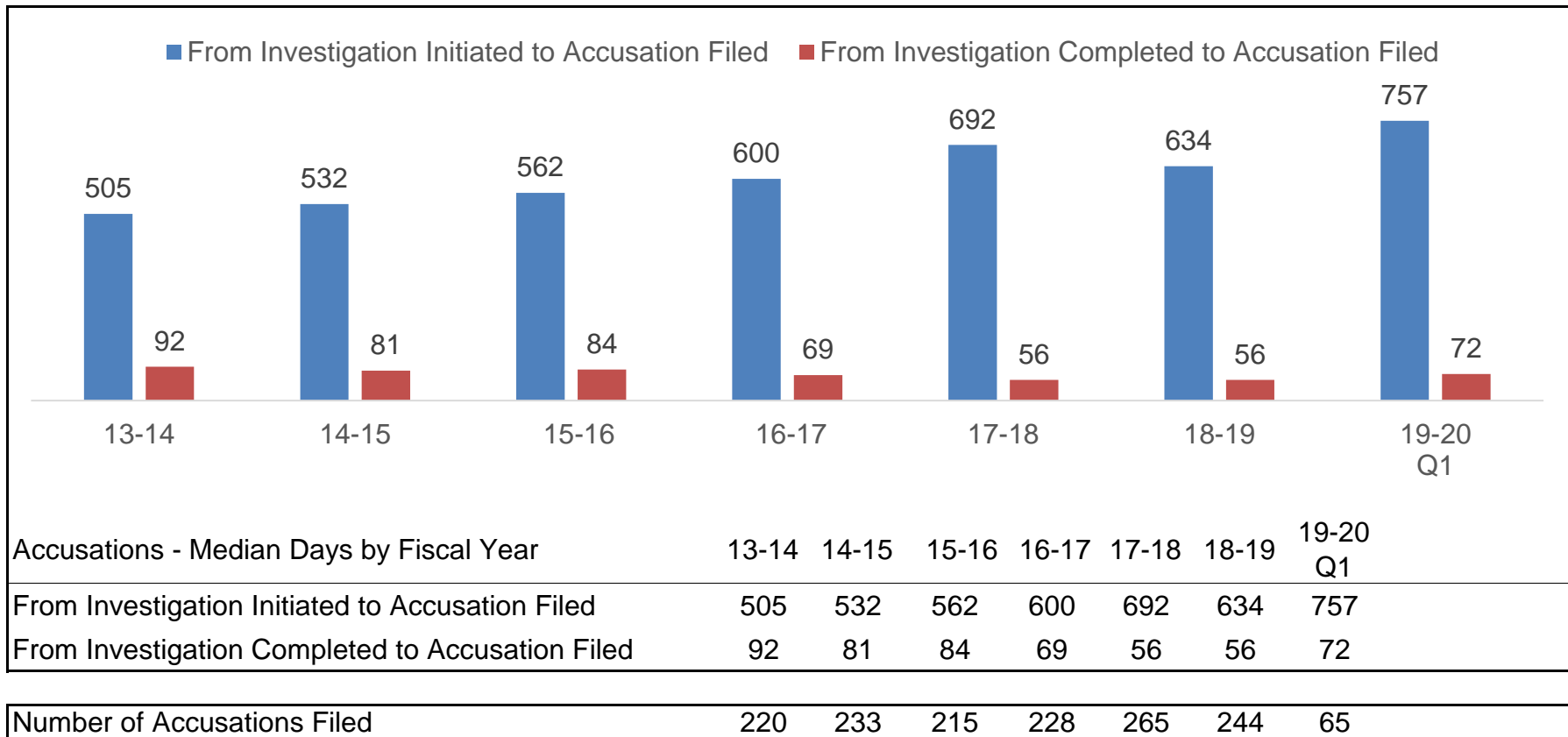
Medical Board of California - Enforcement Program
All Investigation Closures - Number of Cases



*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.

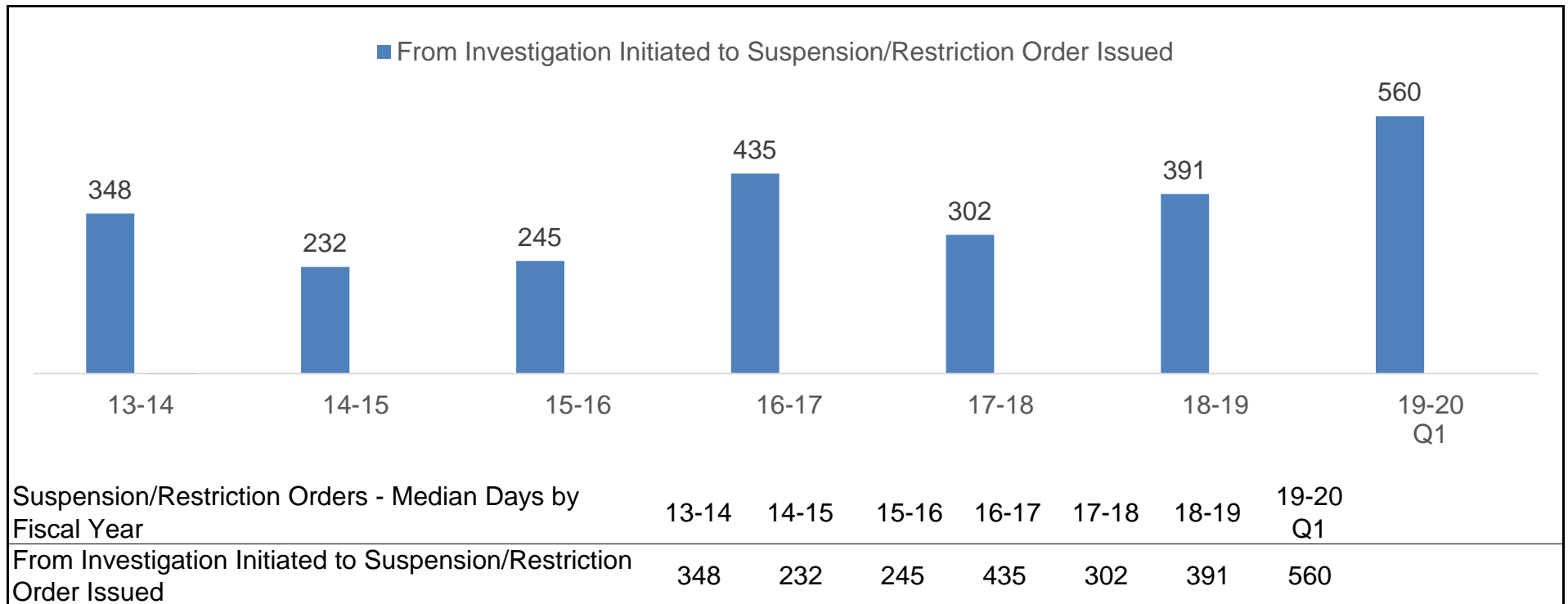
The graph above excludes the following case types: out-of-state, headquarters, Operation Safe Medicine, probation violations, petitions for modification/termination of probation terms, and petitions for reinstatement. They also exclude all cases that were referred solely to the District/City Attorney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

Medical Board of California - Enforcement Program
Accusation - Median Days



The graph above excludes 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.

Medical Board of California - Enforcement Program
Suspension/Restriction Order - Median Days*

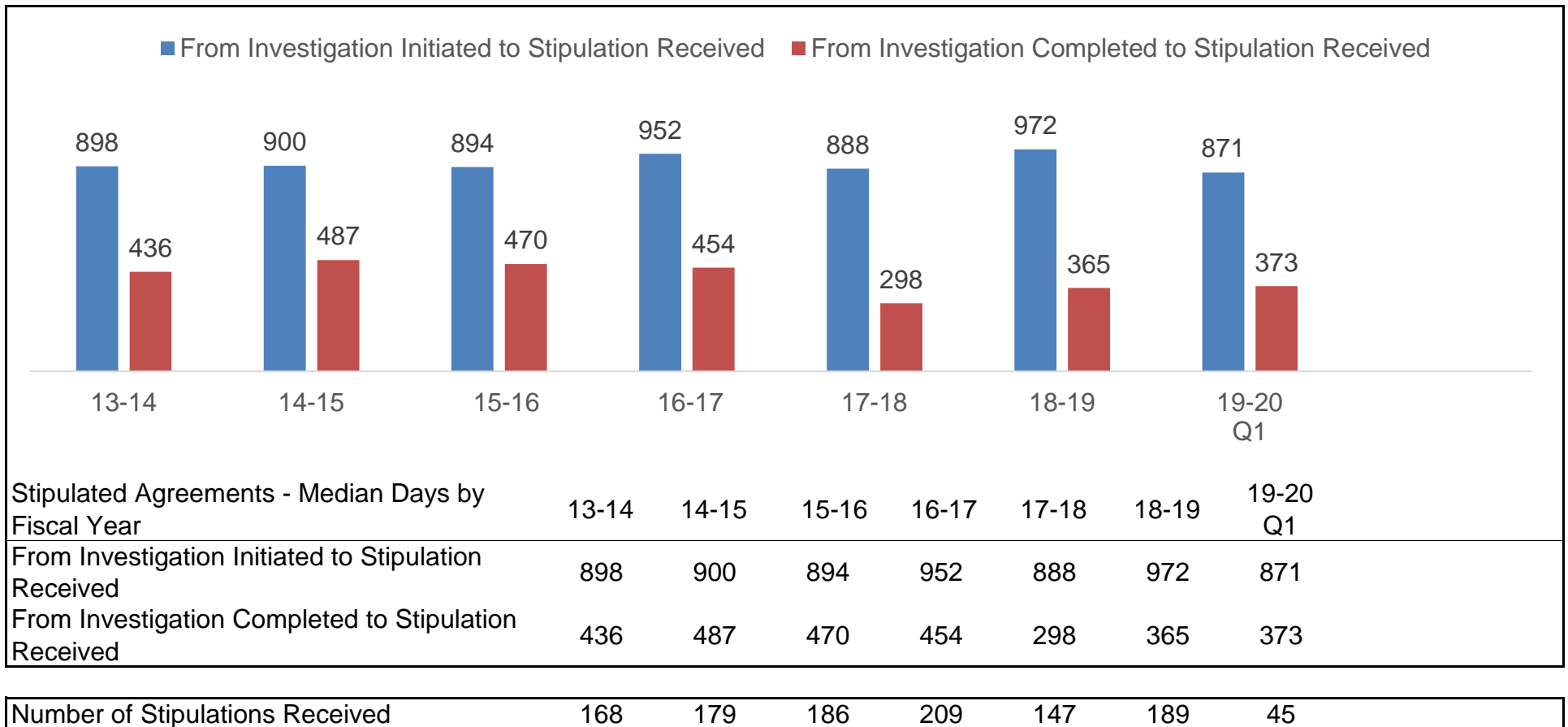


Number of Orders Issued	36	27	42	46	34	23	2
-------------------------	----	----	----	----	----	----	---

*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

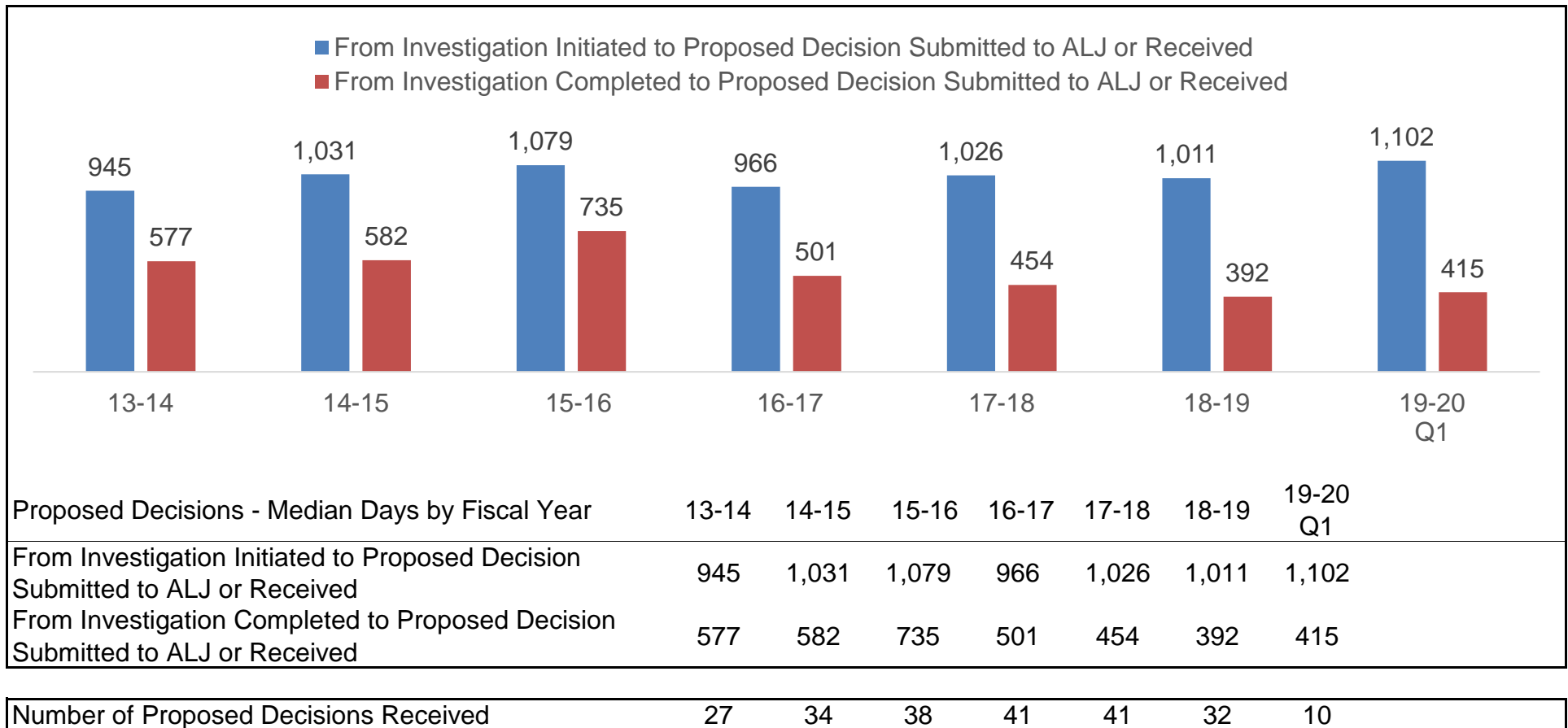
The graph above excludes the following case types: out-of-state, headquarters, Operation Safe Medicine, probation violations, petitions for modification/termination of probation terms, and petitions for reinstatement. They also exclude all cases that were referred solely to the District/City Attorney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

Medical Board of California - Enforcement Program
Stipulated Agreement - Median Days



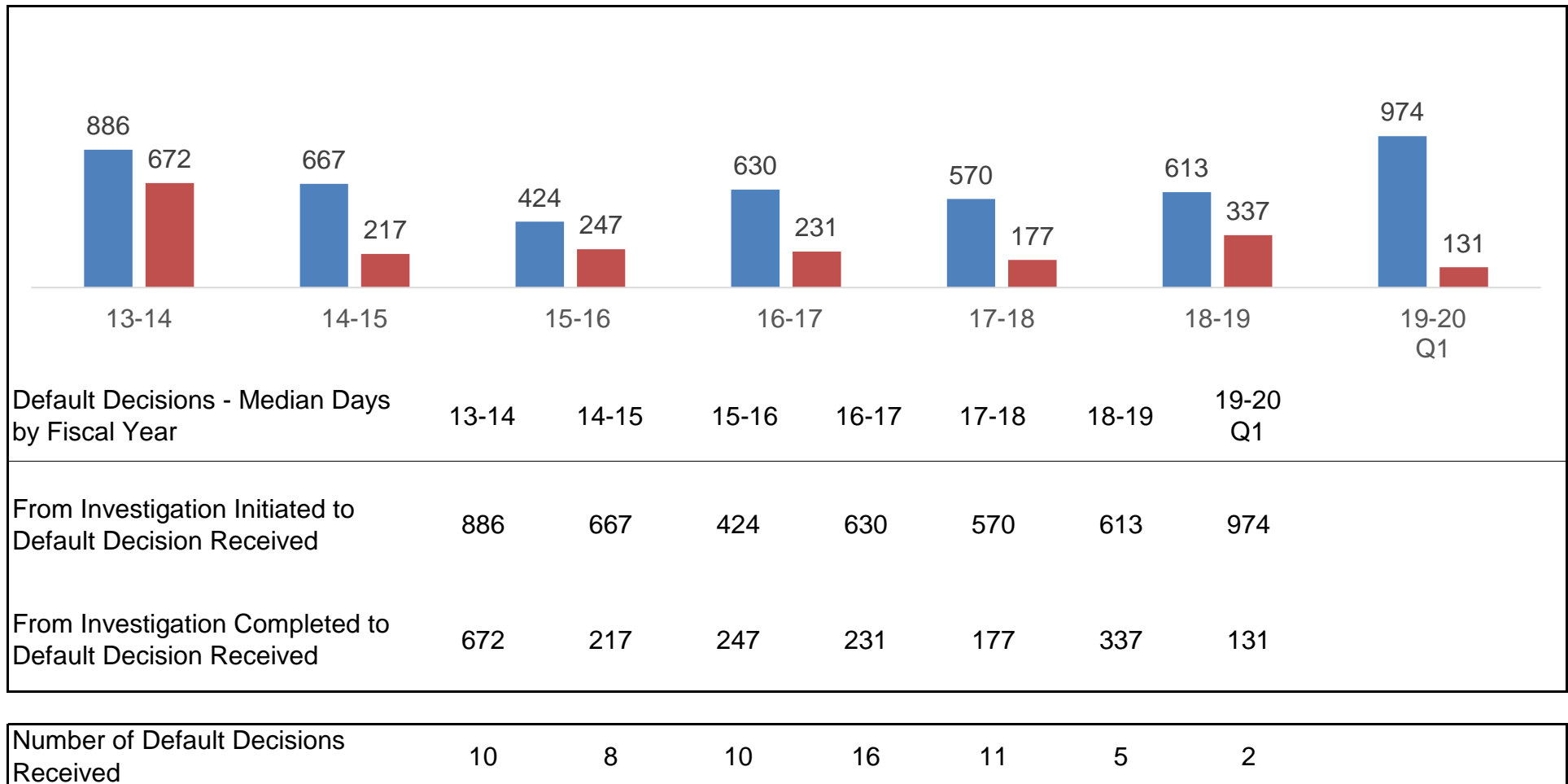
The graph above excludes the following case types: out-of-state, headquarters, Operation Safe Medicine, probation violations, petitions for modification/termination of probation terms, and petitions for reinstatement. They also exclude all cases that were referred solely to the District/City Attorney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

Medical Board of California - Enforcement Program
Proposed Decision - Median Days



The graph above excludes 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.

Medical Board of California - Enforcement Program
Default Decision - Median Days



The graph above excludes 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.