

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: April 5, 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 968 active experts in the Board's expert database. 253 experts were utilized to review 560 cases from July 1, 2017 through March 31, 2018 and a total of 14 new physicians have joined the program in specialties such as anesthesiology, pediatrics, psychiatry, internal/family medicine and orthopedic surgery. Additional experts are still needed in the following fields:

- allergy and immunology
- addiction medicine with added certification in family medicine or internal medicine or psychiatry
- colon/rectal surgery
- dermatology
- family medicine
- gastroenterology
- midwife reviewers
- 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 gastroenterology
- pediatric surgery
- pediatric cardiac surgery
- pediatric pulmonology
- 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 urologist with expertise in gender reassignment surgical procedure)
- vascular surgery

Expert reviewer training is scheduled to take place on September 22, 2018, at the University of Southern California's Medical Center and on October 6, 2018, at the Medical Board of California's headquarters office in Sacramento. Staff is also working to secure a location in the San Diego area to hold a third training session this year.

Central Complaint Unit:

The average number of days to initiate a complaint in the Central Complaint Unit (CCU) is 10 for the third quarter of FY 2017-2018, which is within the timeframe mandated by Business and Professions Code section 129(b).

CCU analysts continued their efforts to reduce the aging of all case types. While a decrease in the average number of days to process a complaint was not accomplished, it remained steady and is currently at 94 days.

CCU management conducted interviews for one of the two vacant staff services analyst (SSA) positions mentioned in the previous enforcement summary. Management is awaiting verification of the candidates' eligibility. The second SSA position remains vacant. In addition to the SSA position, CCU currently has one vacant staff services manager II position, one vacant staff services manager I position following a retirement from state service, two vacant associate governmental program analyst positions (one full time and one part-time) resulting from promotions, and one vacant management services technician (MST) position also due to a promotion. Interviews for the vacant MST position were held and a tentative offer was made, pending hiring clearances.

Discipline Coordination Unit:

The Discipline Coordination Unit filled its vacant MST position and the candidate began employment in January 2018. The previously advertised limited-term office technician position was not filled due to the permanent incumbent returning to work; however, this position required re-advertisement in March 2018. Interviews are expected to take place in April 2018.

Complaint Investigation Office:

The Complaint Investigation Office (CIO) non-sworn special investigators (SI) currently have a case load of approximately 225 cases. Since the last enforcement summary, CIO has closed 57 cases and has transmitted 13 cases to the Attorney General's Office (AGO) – 5 malpractice, 5 criminal conviction cases, and 3 petitions for reinstatement of licensure. The average number of days for CIO to complete an investigation is 305 days.

Recruitment efforts to fill one part-time and one full-time SI positions were successful and the CIO is now fully staffed. Both candidates were promoted from analyst positions within the CCU. The part-time SI reported to CIO on January 31, 2018, and the full-time SI will begin on April 2, 2018.

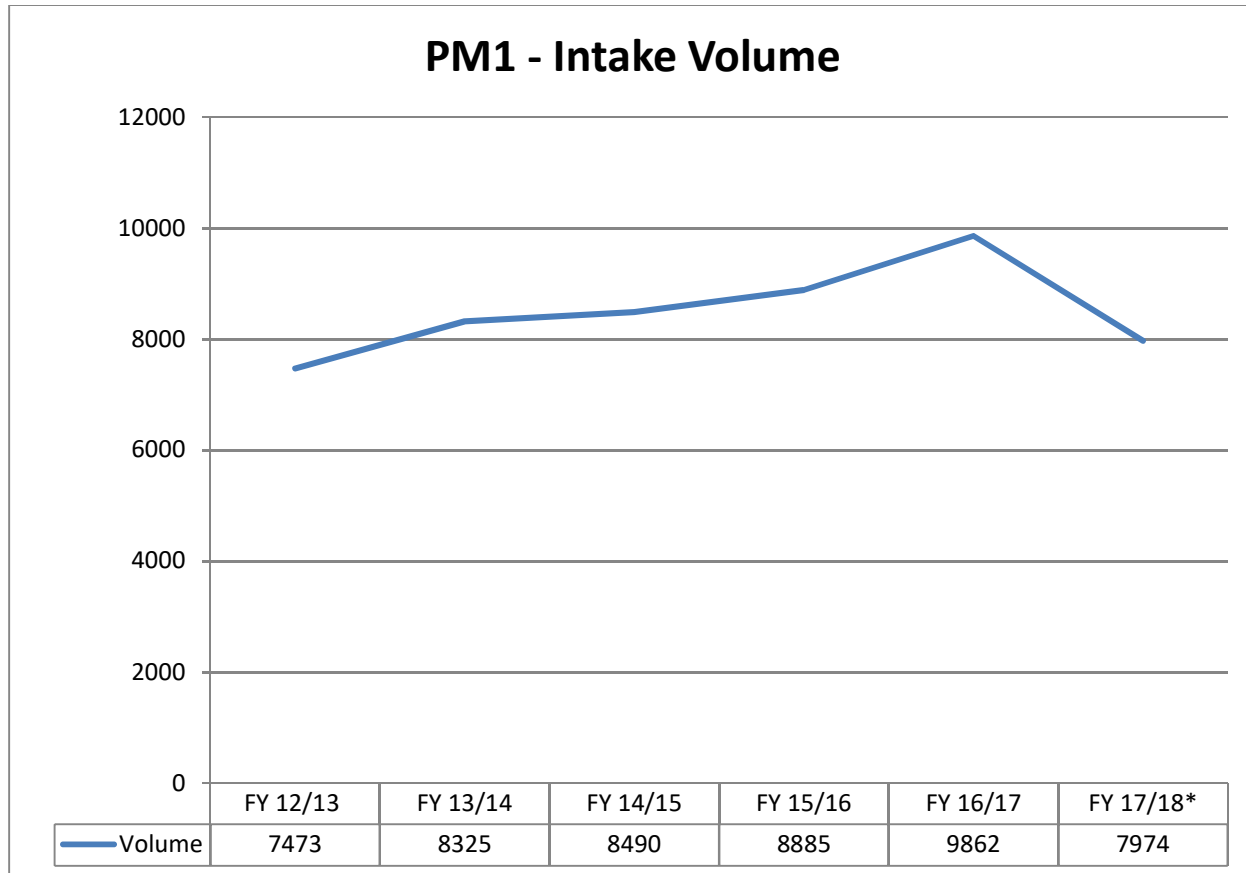
Probation Unit:

The previously vacant inspector I position in the Sacramento field office has been filled. The new inspector reported to work on March 19, 2018, and has begun the training process. With this hire, all probation offices are fully staffed.

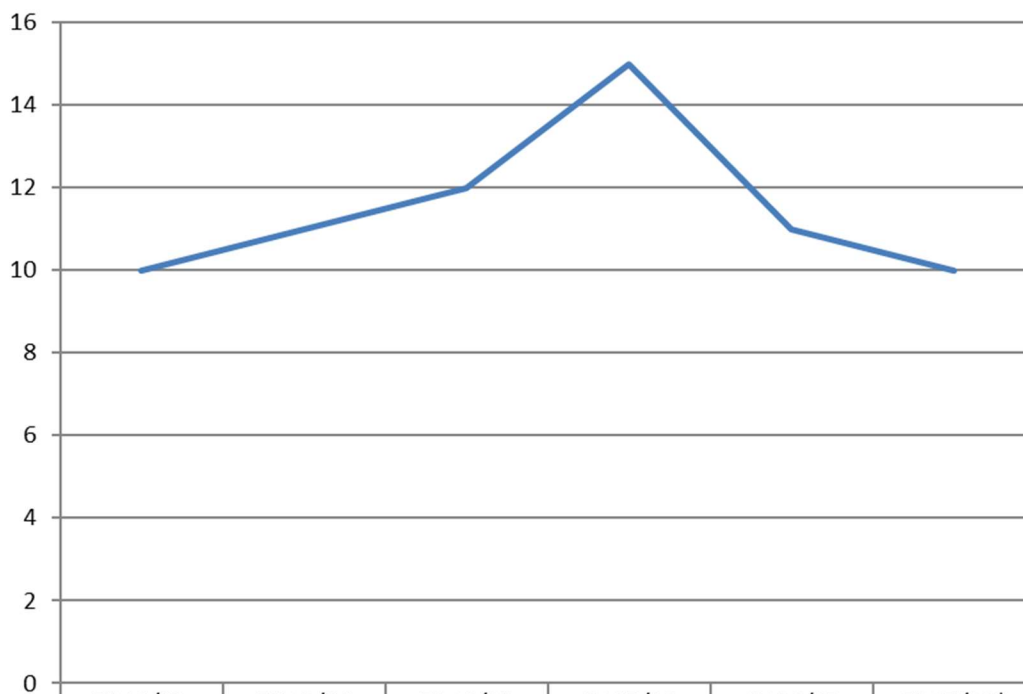
Enforcement Performance Measures:

The charts below are based on all license types under the Medical Board of California and 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. *All statistics for FY 17/18 are from July 1, 2017 to March 31, 2018.

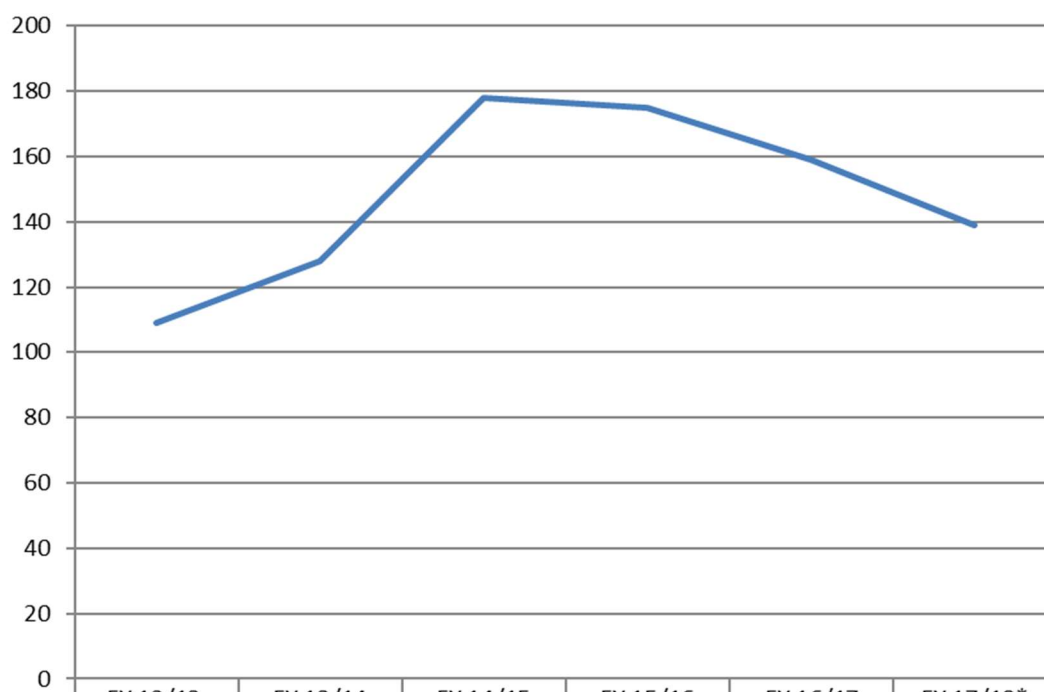


PM2 - Intake Cycle Time



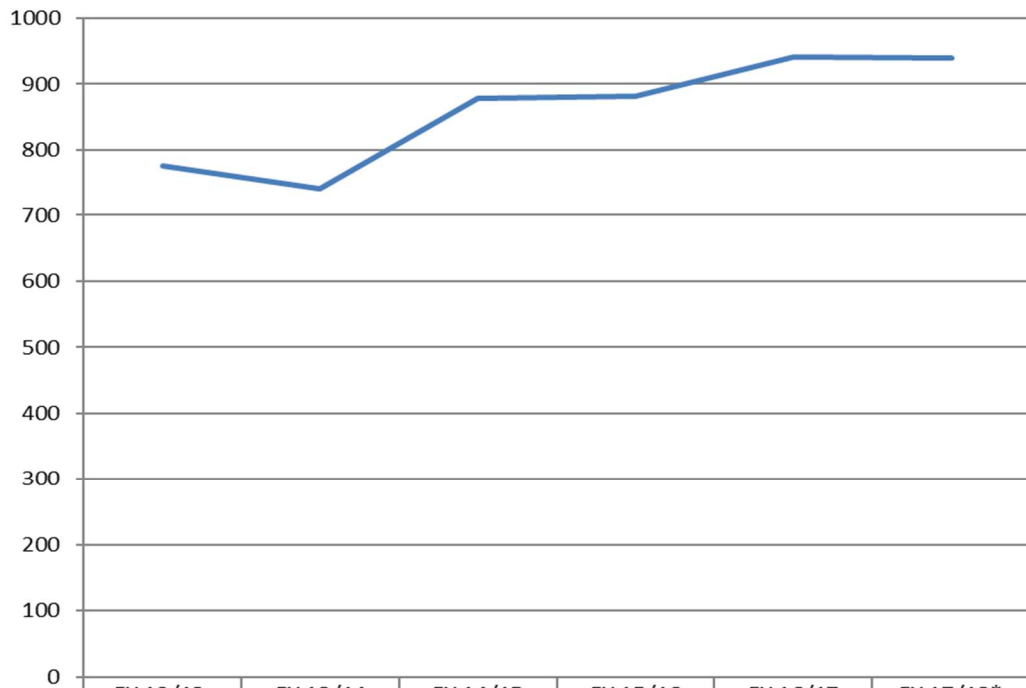
	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18*
Cycle Time	10	11	12	15	11	10

PM3 - Intake and Investigation Cycle Time

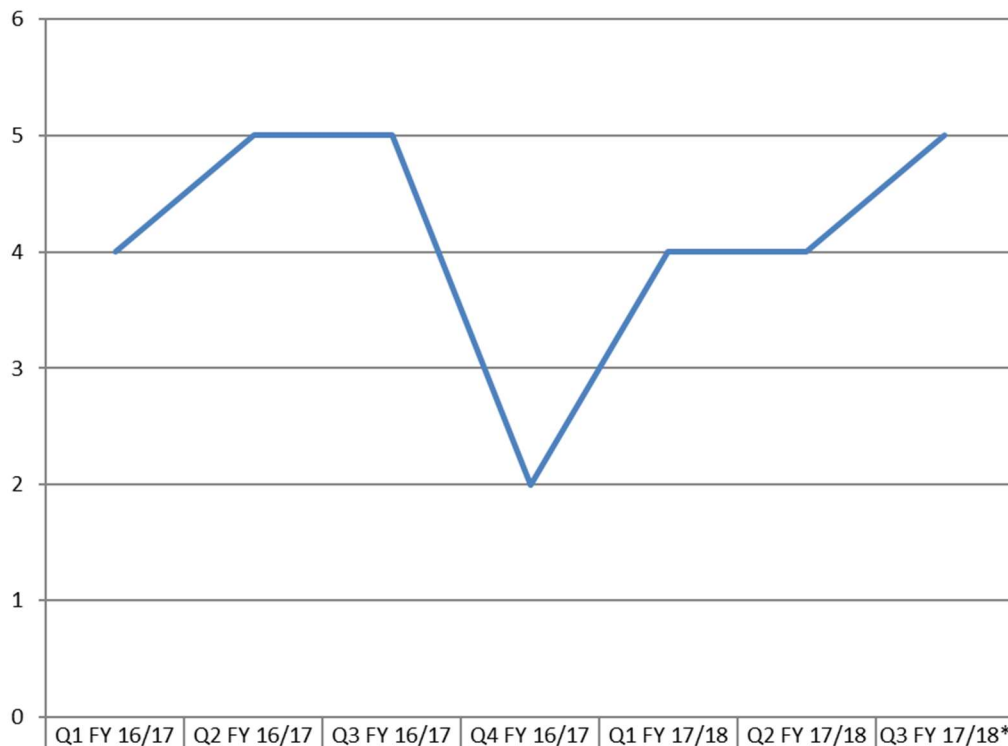


	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18*
Cycle Time	109	128	178	175	159	139

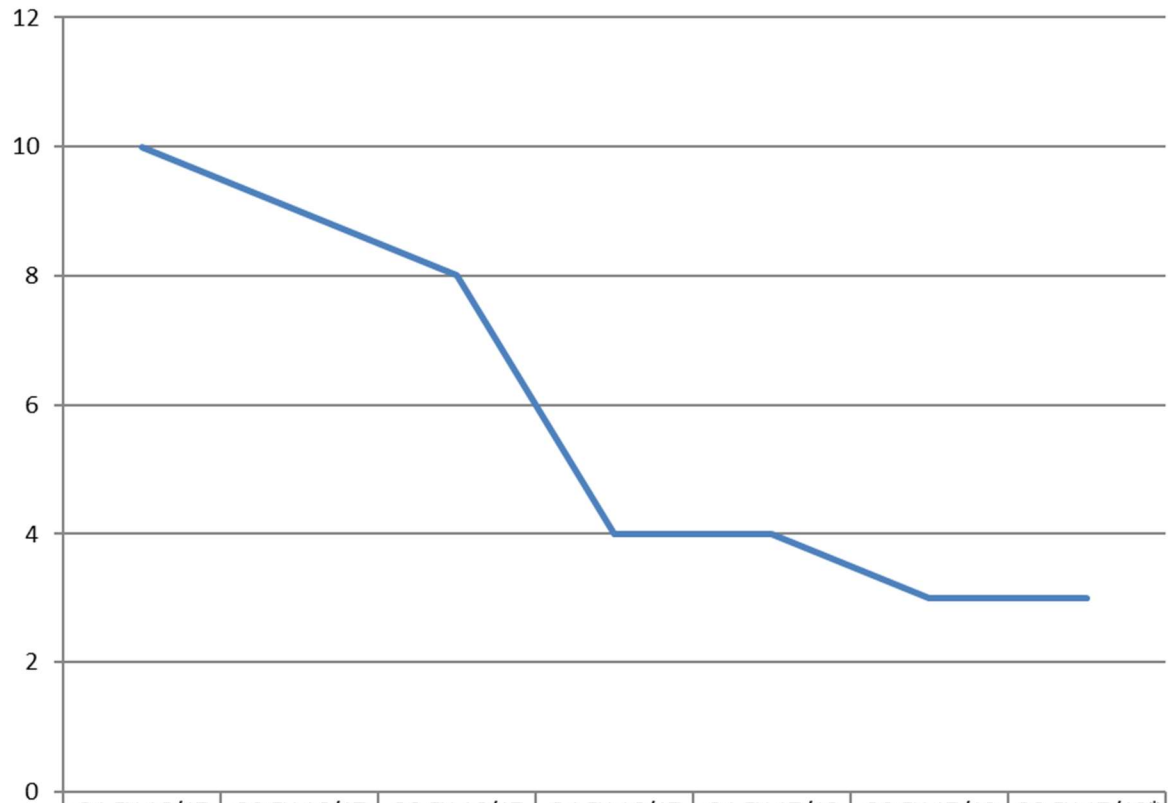
PM4 - Formal Discipline Cycle Time



PM7 - Probation Intake Cycle Time



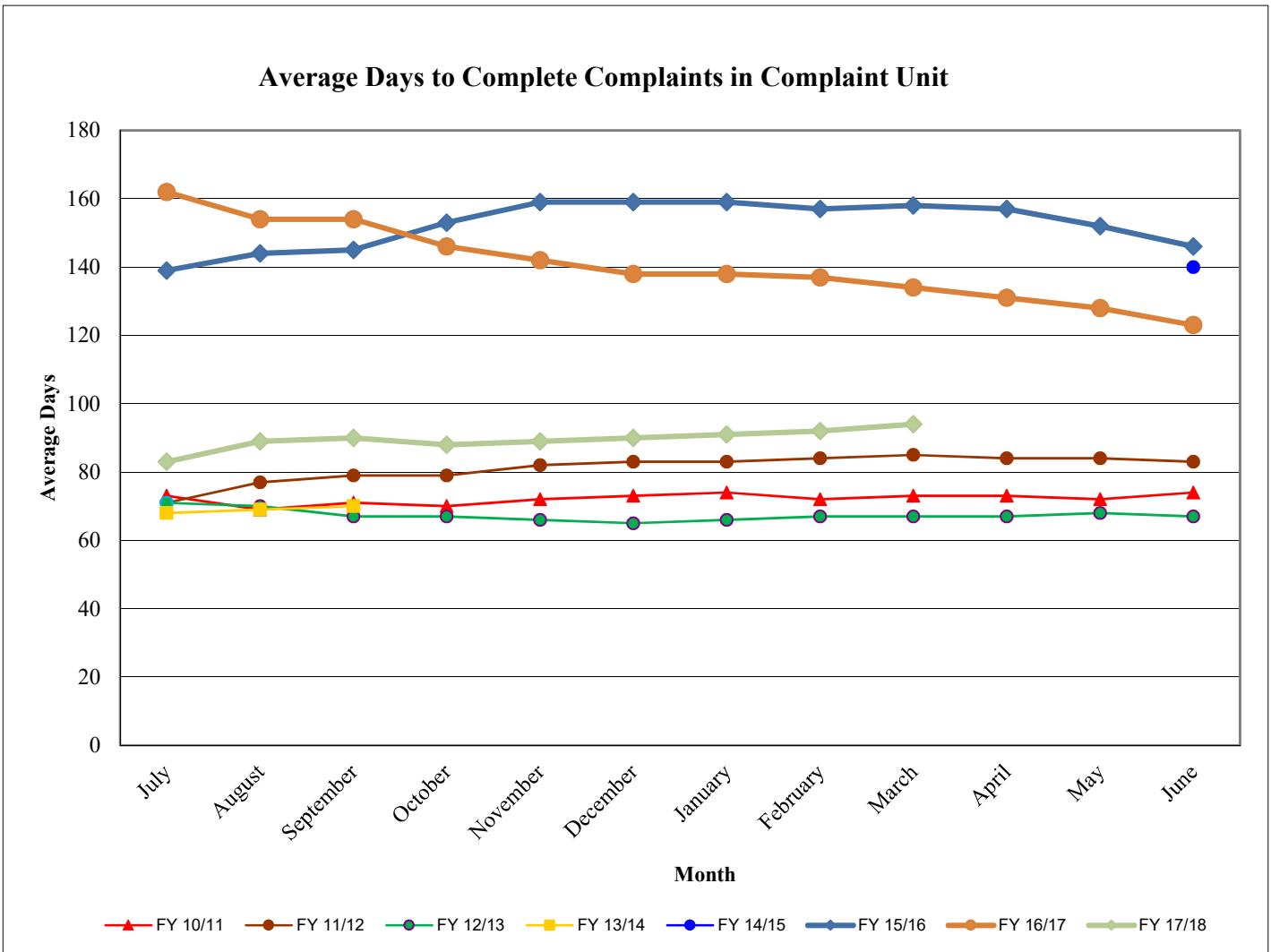
PM8 - Probation Violation Response Cycle Time



	Q1 FY 16/17	Q2 FY 16/17	Q3 FY 16/17	Q4 FY 16/17	Q1 FY 17/18	Q2 FY 17/18	Q3 FY 17/18*
Cycle Time	10	9	8	4	4	3	3

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

Month	Fiscal Year							
	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18
July	73	71	71	68		139	162	83
August	69	77	70	69		144	154	89
September	71	79	67	70		145	154	90
October	70	79	67			153	146	88
November	72	82	66			159	142	89
December	73	83	65			159	138	90
January	74	83	66			159	138	91
February	72	84	67			157	137	92
March	73	85	67			158	134	94
April	73	84	67			157	131	
May	72	84	68			152	128	
June	74	83	67		140	146	123	

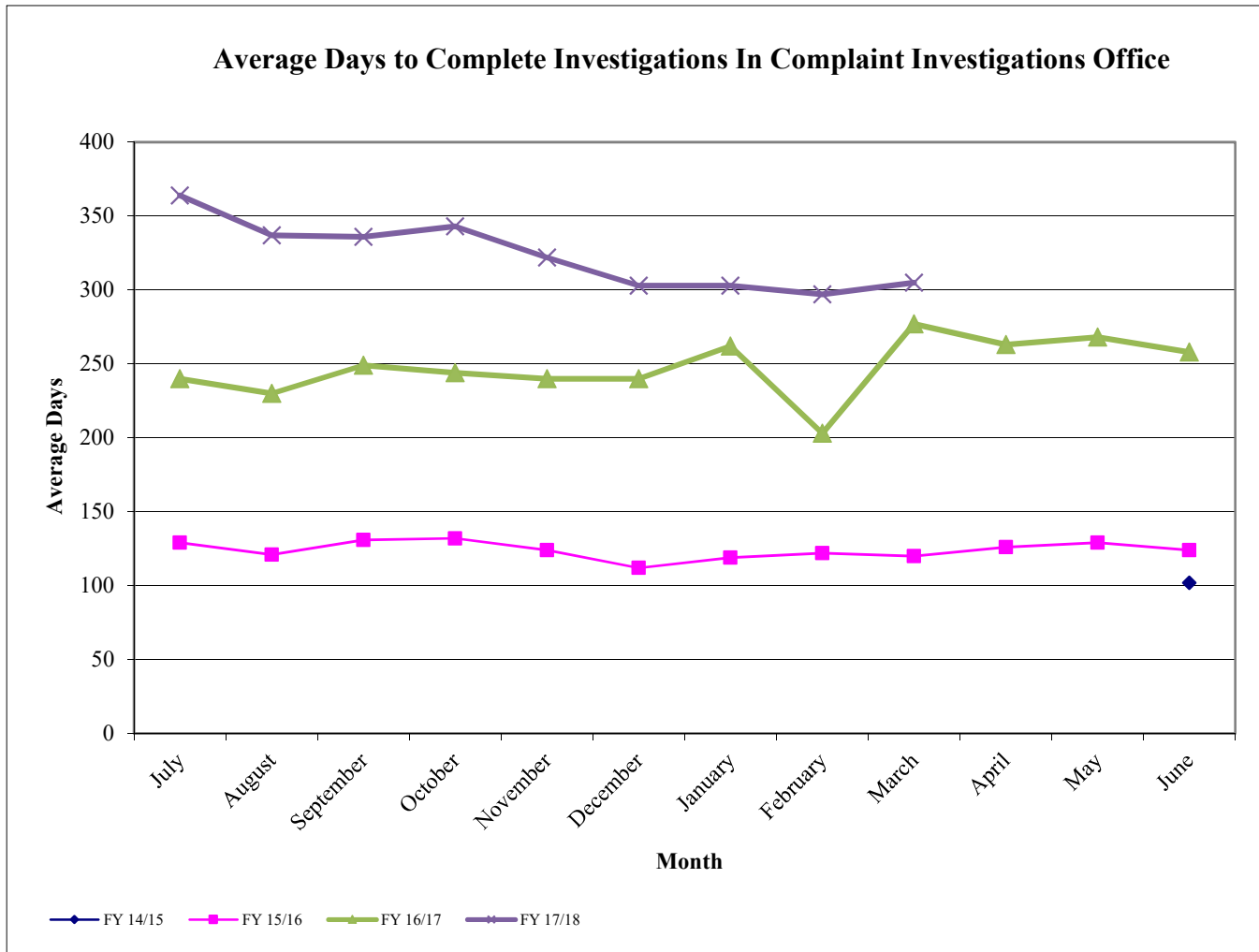


Average Days to Complete Complaints in Complaint Unit includes complaints resolved by Complaint Unit and Complaint Unit processing days for cases completed at field investigation. Includes physician and surgeon data only.

Medical Board of California Enforcement Program

Average Days to Complete Investigations in Complaint Investigations Office

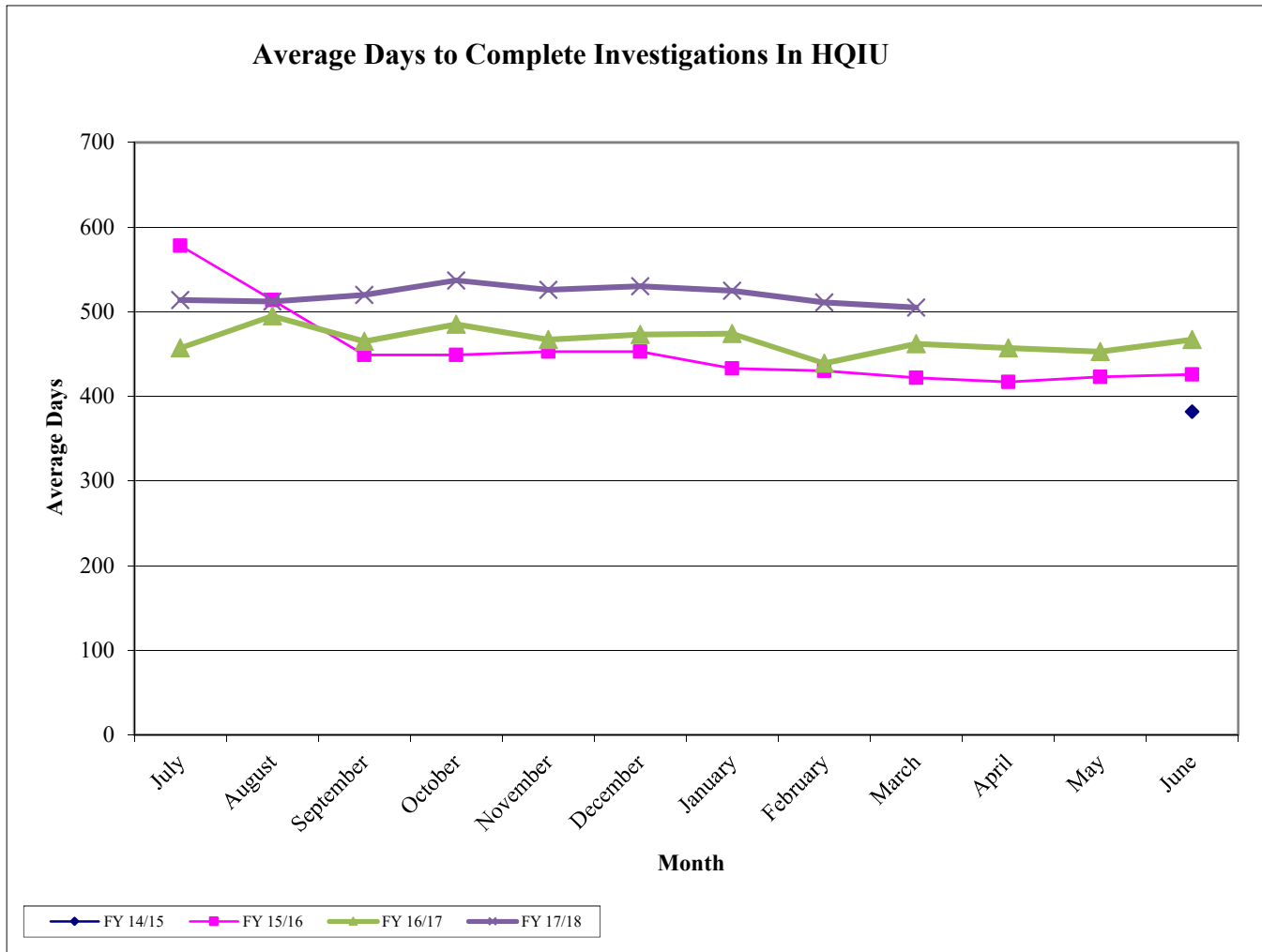
	Fiscal Year			
Month	FY 14/15	FY 15/16	FY 16/17	FY 17/18
July		129	240	364
August		121	230	337
September		131	249	336
October		132	244	343
November		124	240	322
December		112	240	303
January		119	262	303
February		122	203	297
March		120	277	305
April		126	263	
May		129	268	
June	102	124	258	



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

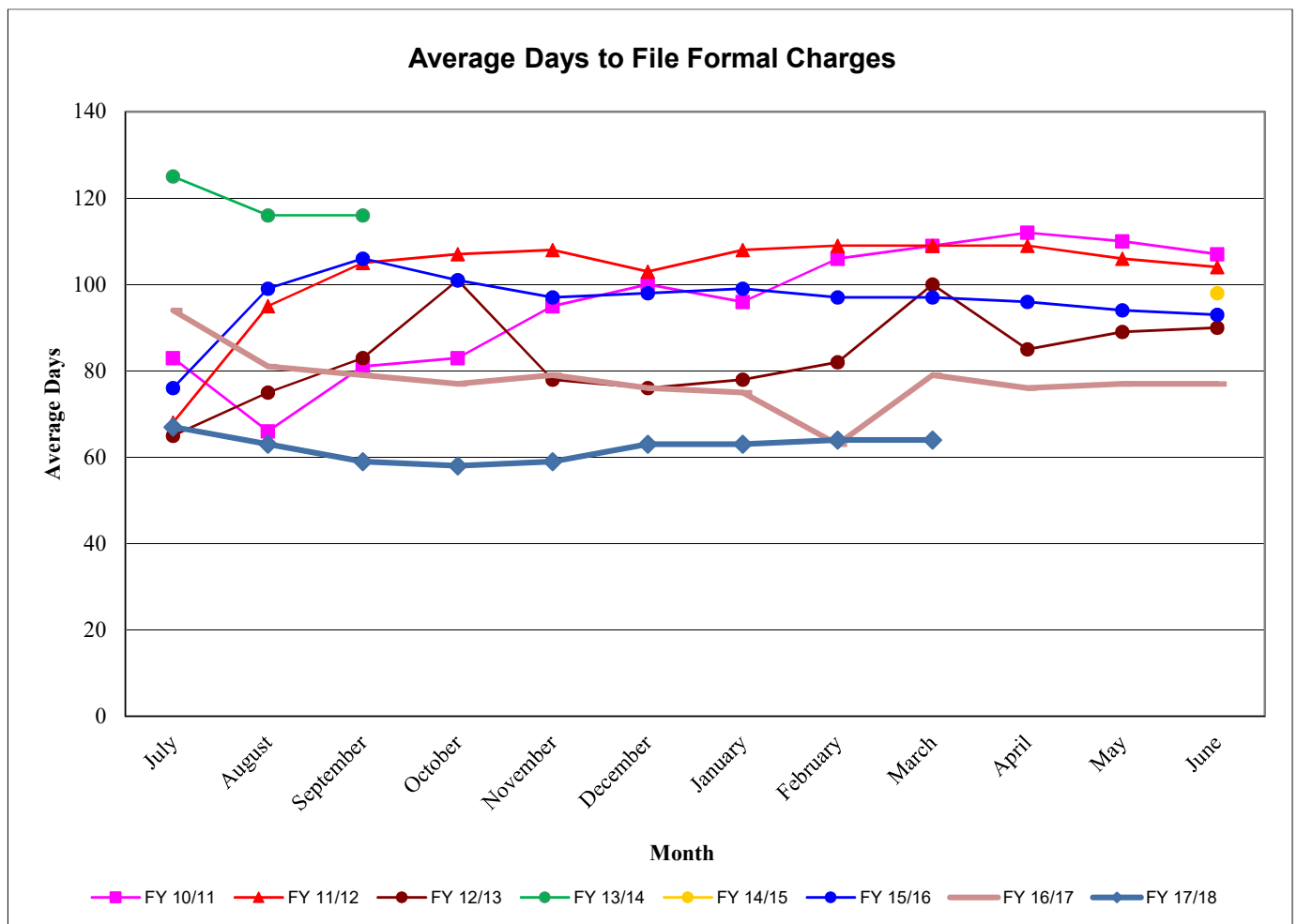
	Fiscal Year			
Month	FY 14/15	FY 15/16	FY 16/17	FY 17/18
July		578	457	514
August		514	495	512
September		449	465	520
October		449	485	537
November		453	467	526
December		453	473	530
January		433	474	525
February		430	439	511
March		422	462	505
April		417	457	
May		423	453	
June	382	426	467	



Investigation processing days are from the date the case was assigned to HQIU investigator 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 21 days through March 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

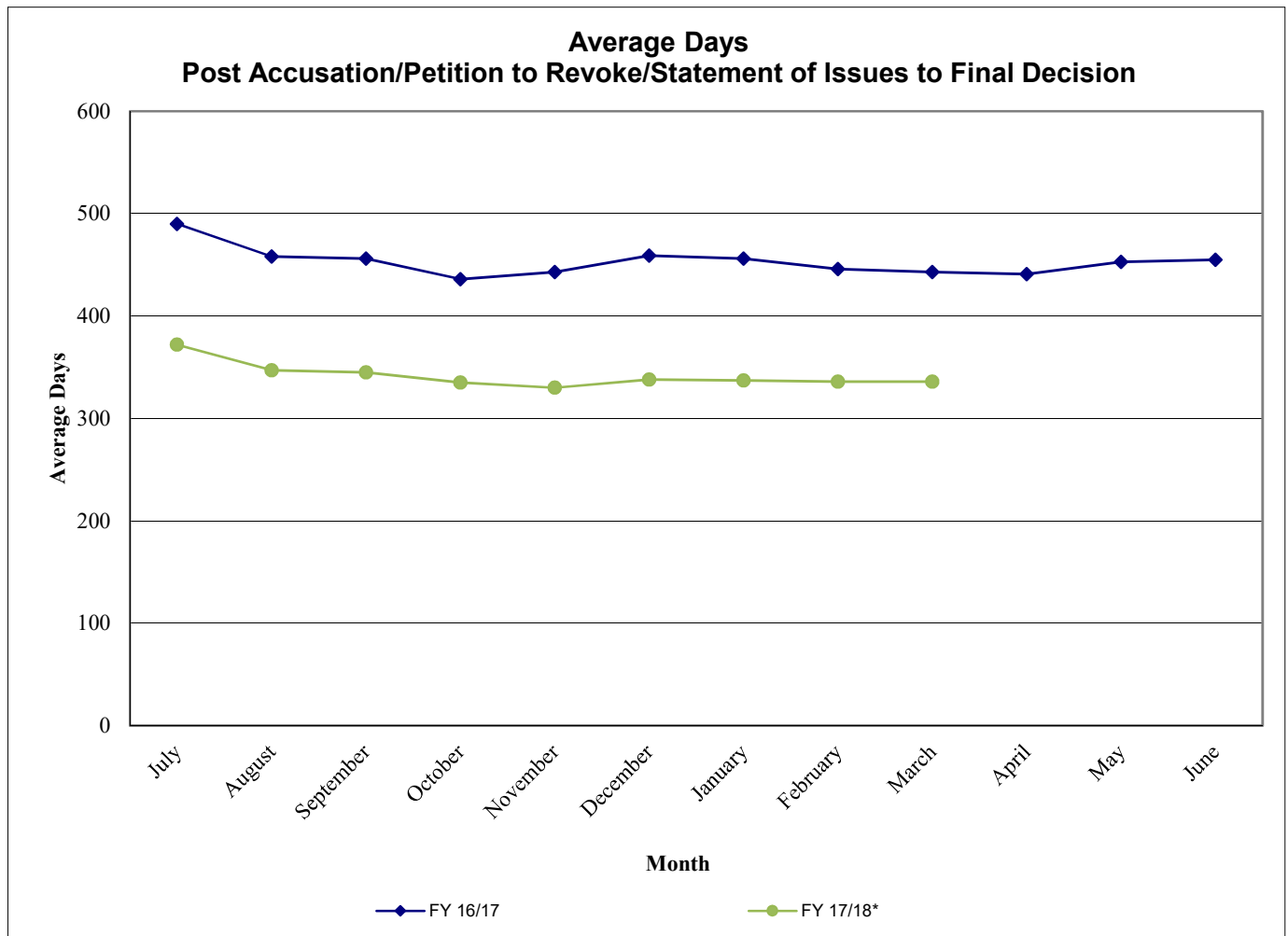
Month	Fiscal Year							
	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18
July	83	68	65	125		76	94	67
August	66	95	75	116		99	81	63
September	81	105	83	116		106	79	59
October	83	107	101			101	77	58
November	95	108	78			97	79	59
December	100	103	76			98	76	63
January	96	108	78			99	75	63
February	106	109	82			97	63	64
March	109	109	100			97	79	64
April	112	109	85			96	76	
May	110	106	89			94	77	
June	107	104	90		98	93	77	



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 24B
**Average Days Post Accusation/Petition to Revoke/Statement of Issues
to Final Decision**

Month	Fiscal Year	
	FY 16/17	FY 17/18*
July	490	372
August	458	347
September	456	345
October	436	335
November	443	330
December	459	338
January	456	337
February	446	336
March	443	336
April	441	
May	453	
June	455	



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

Agenda Item 24B

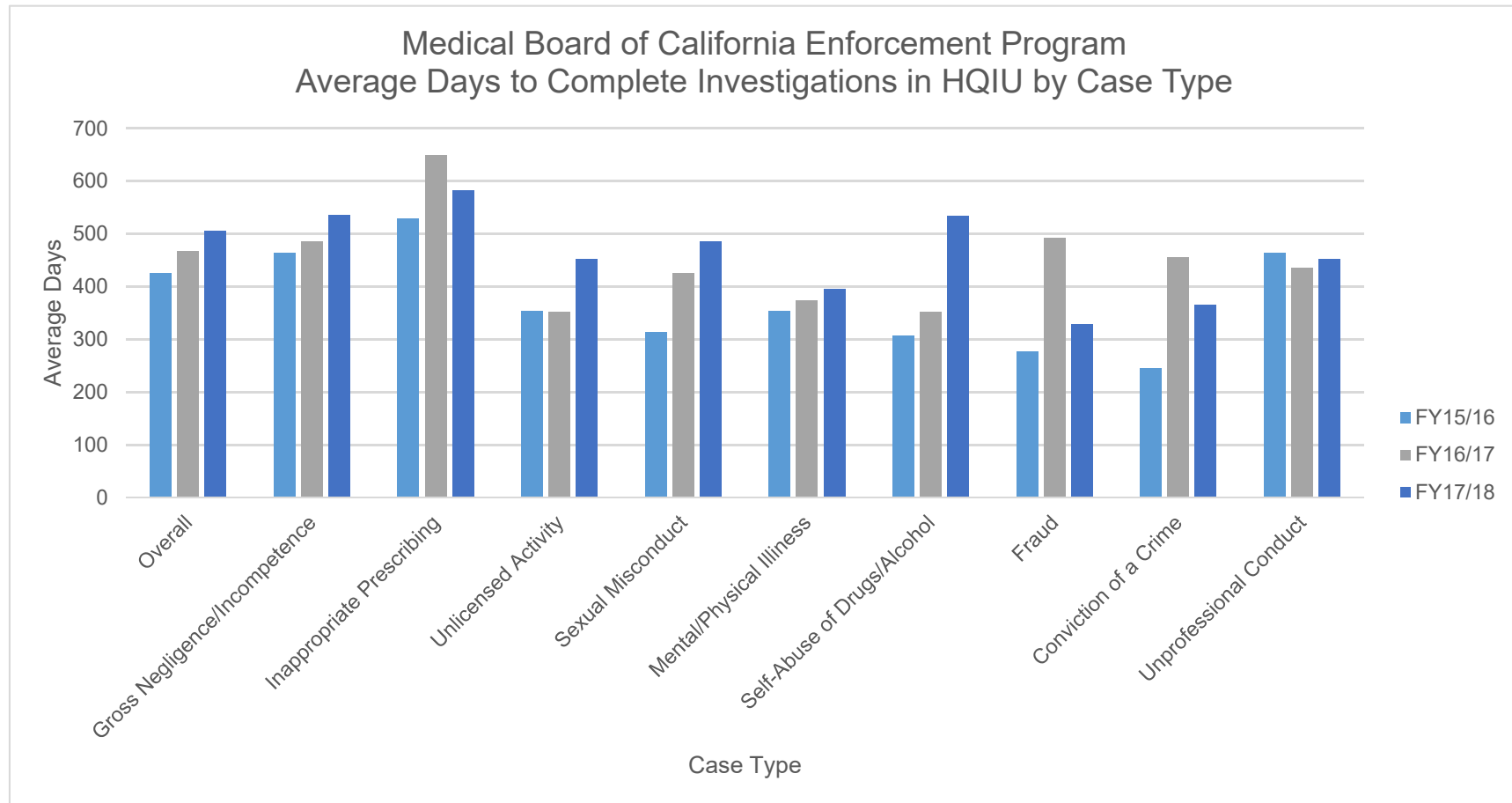
FISCAL YEARS	2009 - 2010		2010 - 2011		2011 - 2012		2012 - 2013		2013 - 2014		2014 - 2015 ¹		2015 - 2016		2016 - 2017		2017 - 2018 ²	
	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN
COMPLAINT PROCESSING	76	63	74	77	83	64	67	54	67	43	140	113	146	119	123	89	94	59
INVESTIGATION PROCESSING - MBC-CIO											102	57	124	52	258	203	305	226
INVESTIGATION PROCESSING - HQUI											382	352	426	367	467	431	505	468
INVESTIGATION PROCESSING - ALL	328	292	312	283	264	225	268	245	245	205								
TOTAL MBC & HQUI																		
DAYS	404	355	386	360	347	289	335	299	312	248	228	150	230	155	141	104	115	63
YEARS	1.11	0.97	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	0.32	0.17
AG PREP FOR ACC/PTR/ACC&PTR/SOI	106	66	107	72	104	78	90	75	110	86	98	68	93	67	77	62	64	51
POST ACCUSATION/PTR/SOI	368	312	417	324	396	350	435	366	443	402	459	392	453	378	455	368	336	284
ACCUSATION DECLINED BY AG											44	23	56	31	25	14	108	11
TOTAL AG																		
DAYS	474	378	524	396	500	428	525	441	553	488	473	413	479	393	473	328	350	291
YEARS	1.30	1.04	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	0.96	0.80
TOTAL MBC & AG																		
DAYS	878	733	910	756	847	717	860	740	865	736	956	927	967	919	1034	1040	943	950
YEARS	2.41	2.01	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	2.58	2.60

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.

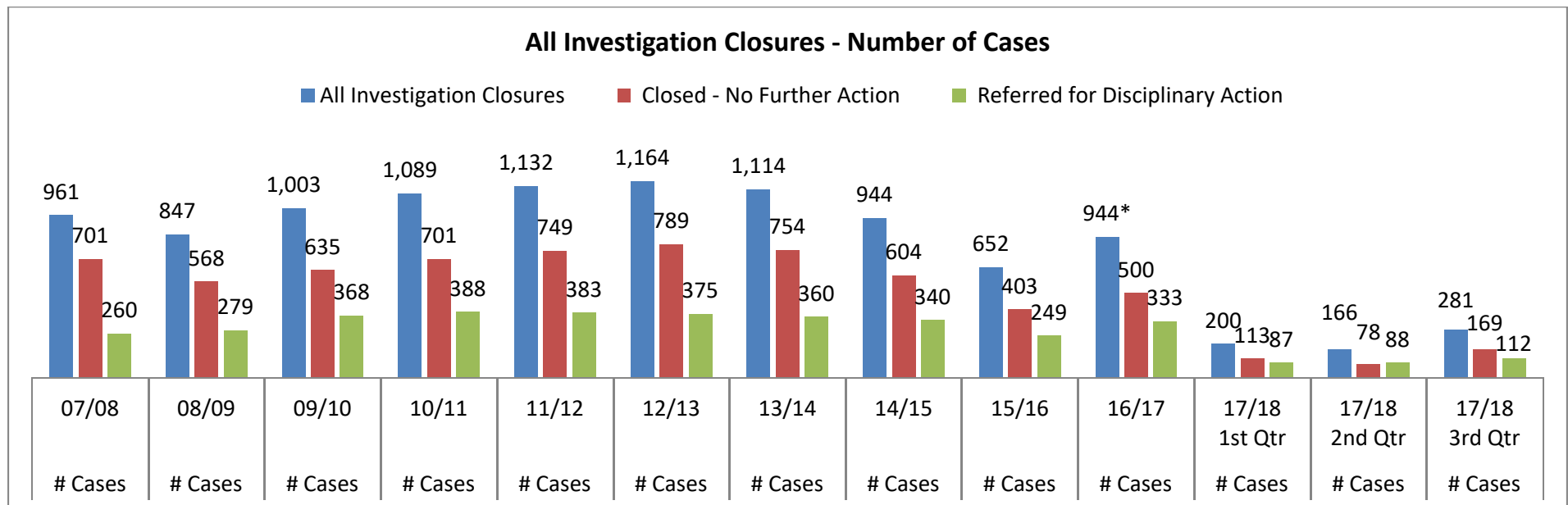
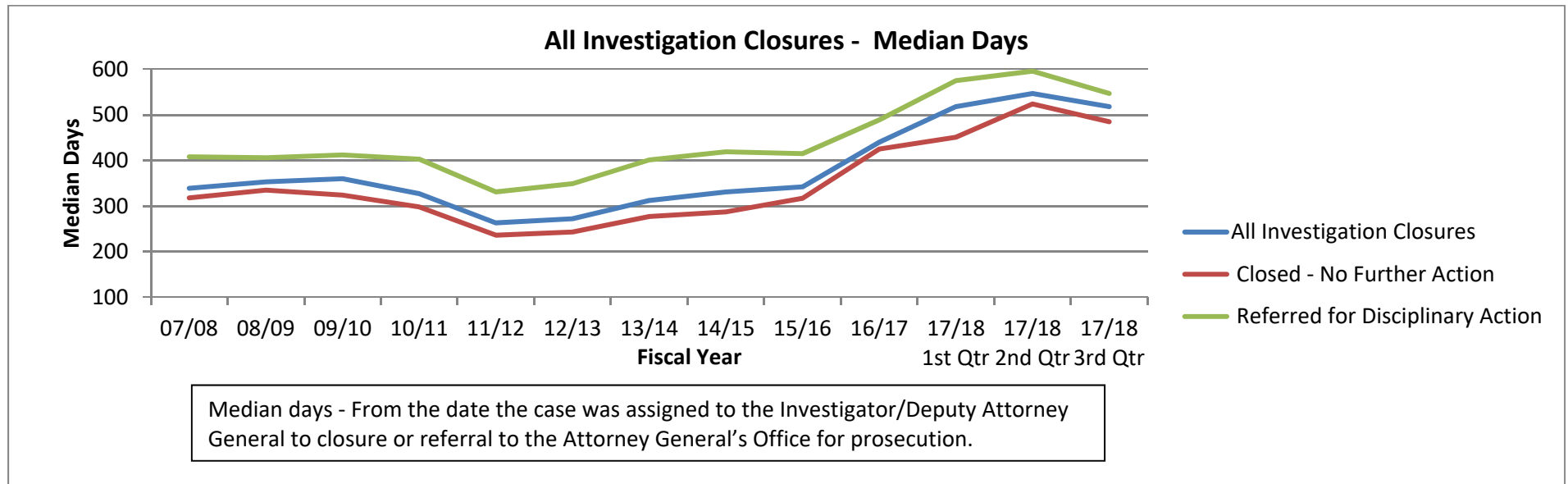
² Data through 3/31/18

Includes physican and surgeon data only.



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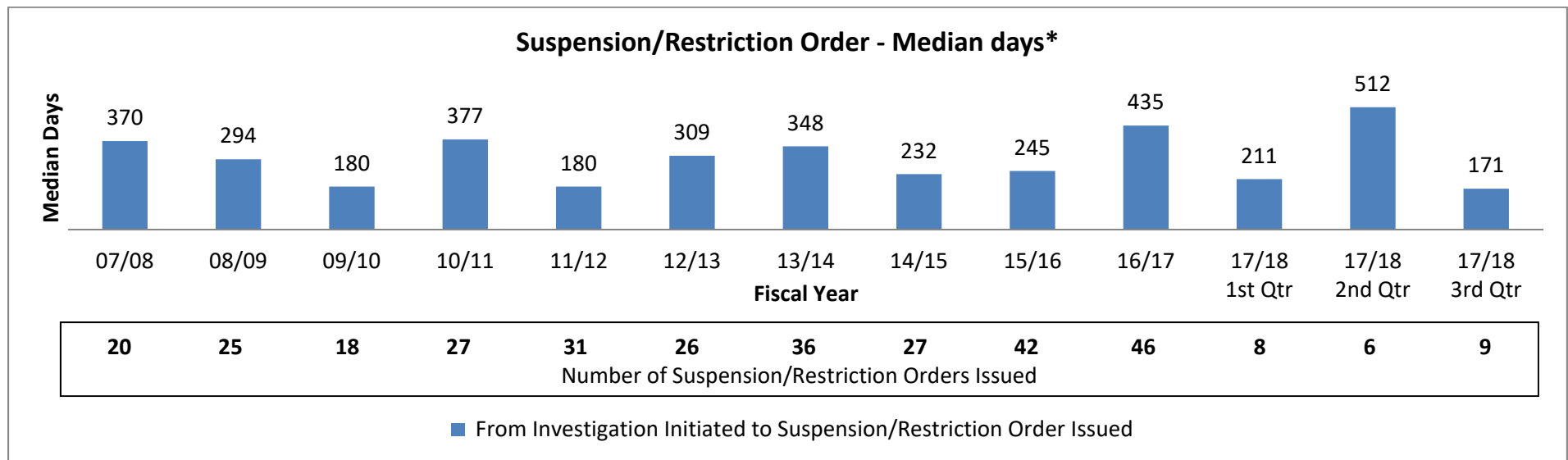
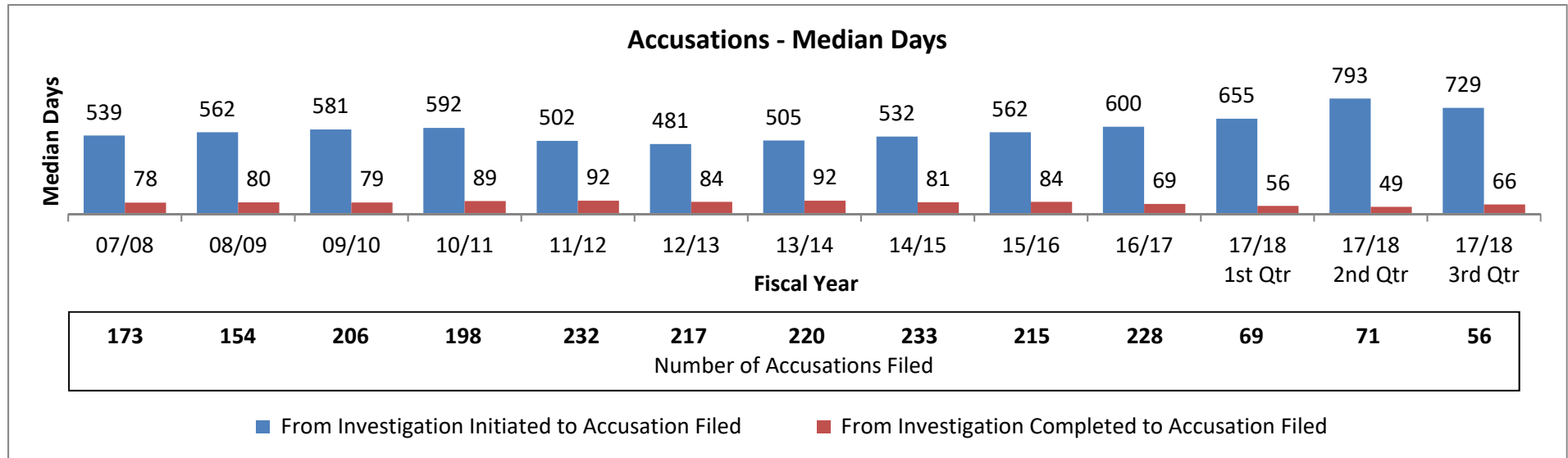
Vertical Enforcement/Prosecution Cases - Median Days



* 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 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.

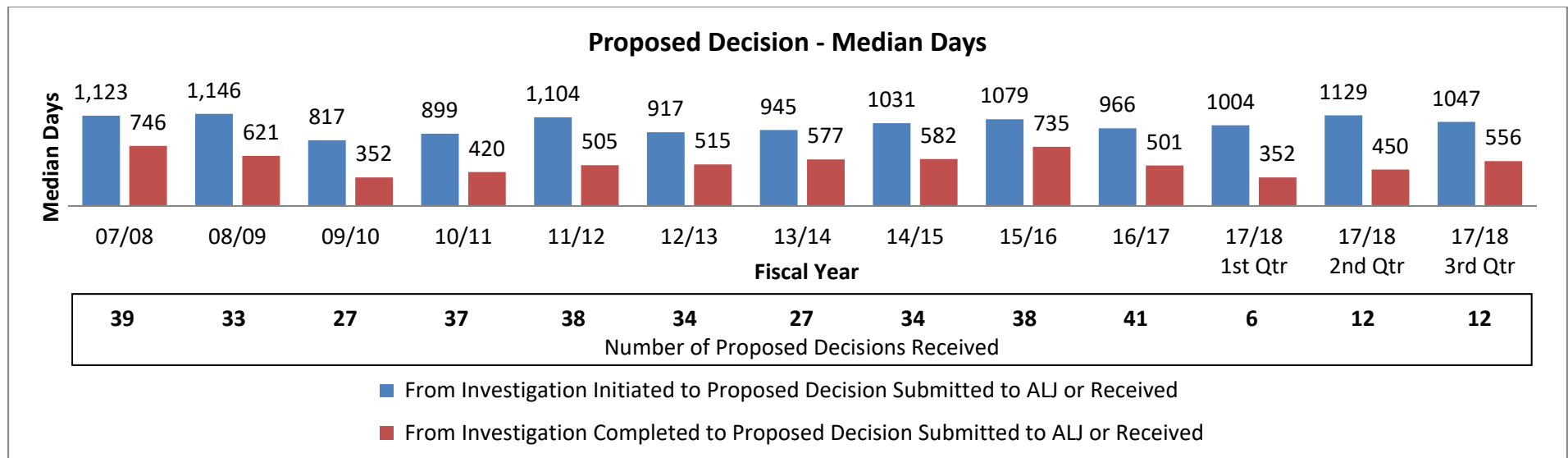
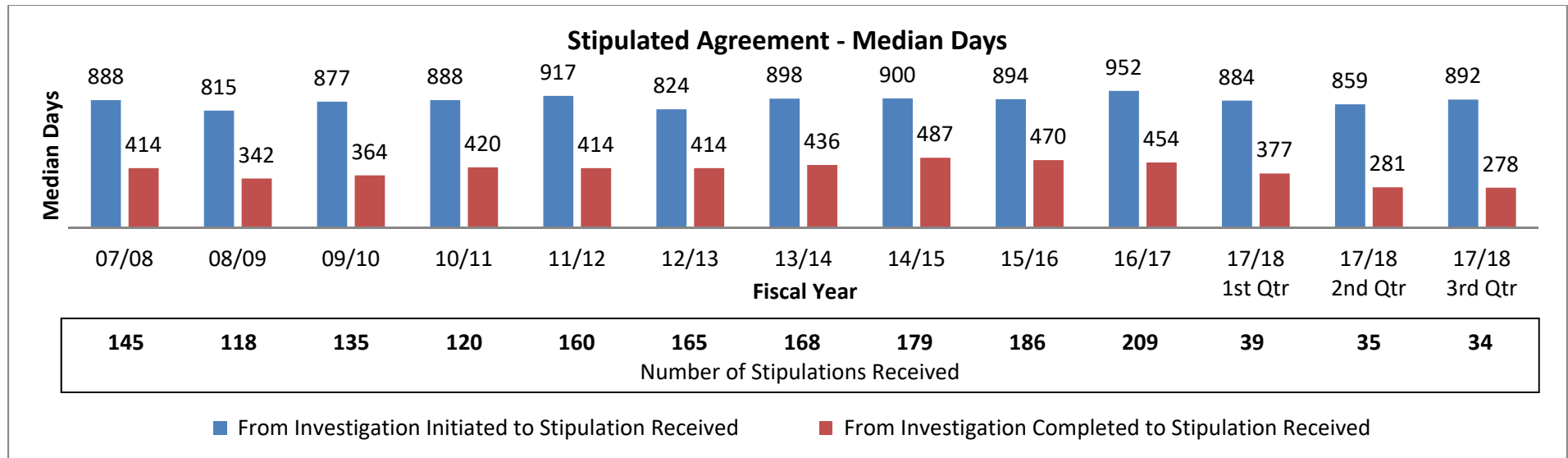
Vertical Enforcement/Prosecution Cases - Median Days



* 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.

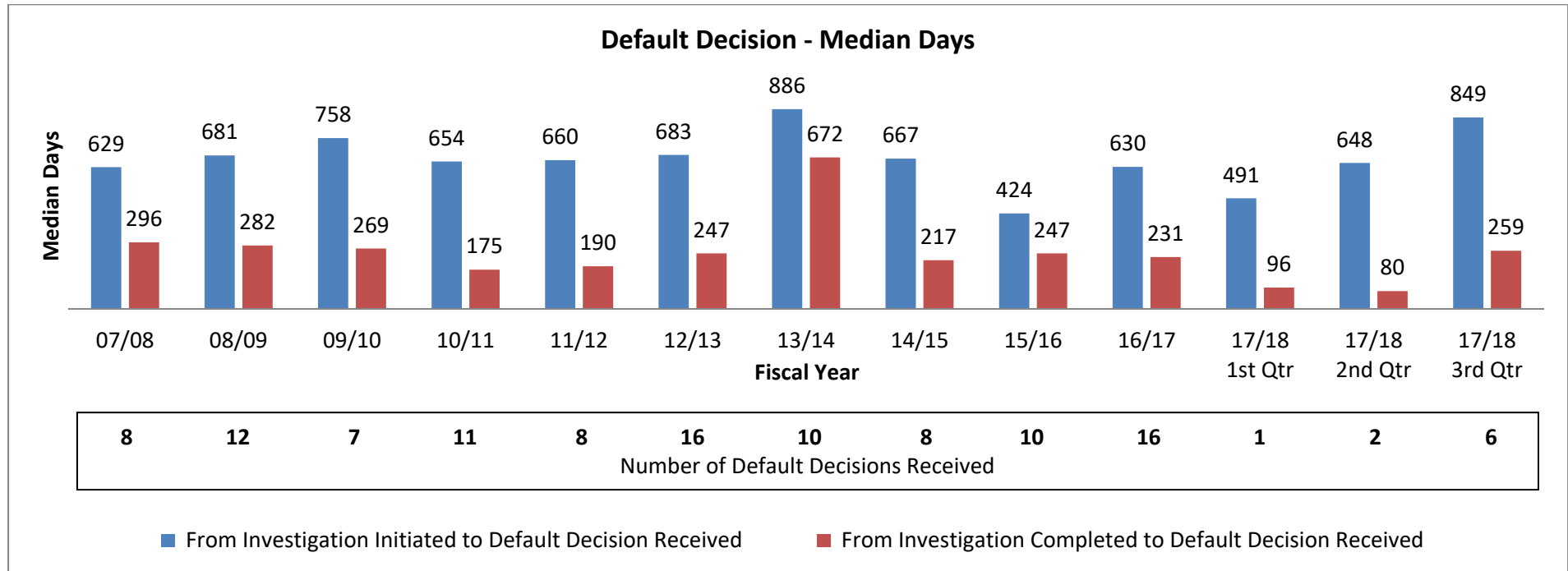
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