

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: July 14, 2020
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 820 active experts in the Board's expert database. Expert program analysts continue working to renew contracts. Advertisement for the following specialties will be in the Board's spring 2020 Newsletter:

- Addiction Medicine with added certification in Family Medicine or Internal Medicine, Psychiatry or other ABMS approved specialty
- Clinical Genetics
- Colon/Rectal Surgery
- Dermatology
- Family Medicine
- Endocrinology, Diabetes and Metabolism
- 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 Infectious Disease
- Pediatric Pulmonology
- Pediatric Surgery
- Plastic Surgery (face and body cosmetic surgery, Neograft hair transplant/FUE transplant and gender reassignment surgical procedures)
- Psychiatry (forensic and addiction)
- Radiation Oncology

- Surgery (general and endocrine Surgery)
- Thoracic and Cardiac Surgery
- Urology (general and gender Reassignment)
- Vascular Surgery
- Stem cell
- Midwifery reviewers

Expert reviewer training is scheduled for September and October. Due to the COVID-19 pandemic, we will be offering this training through WebEx versus traveling and holding in-person training. We plan to record the program for subsequent use.

CENTRAL COMPLAINT UNIT:

The average number of days to initiate a complaint in the Central Complaint Unit (CCU) is 9 days for the fourth quarter of FY 2019-2020, which is within the timeframe mandated by Business and Professions Code section 129(b). The average for FY 2019-2020 is 12 days, this does not meet the mandated timeframe. In the second quarter of the FY, we reorganized the work flow to meet the mandated timeframes and due to the averaging, the year-end average number does not represent the current compliance. The average days to complete the processing of a complaint in CCU is 157 days. CCU staff are focusing their efforts to reduce the aging of all case types.

CCU filled one of the vacant Management Services (MST) positions in July. CCU currently has one vacant Management Services Technician (MST) position and one vacant Associate Governmental Program Analyst (AGPA). The MST and AGPA positions were advertised and applications are being screened to schedule interviews.

As a result of the COVID19, a majority of the staff have been teleworking either full or part time. Teleworking continues and has made it quite evident that we need to shift to a paperless platform for more efficiency.

COMPLAINT INVESTIGATION OFFICE:

The Complaint Investigation Office (CIO) of non-sworn investigators currently have a caseload of approximately 46 cases each. This figure does not include over 200 cases that CIO took on to assist CCU with B&P 801 cases last summer. Since the last enforcement summary, CIO has closed 57 cases and has transmitted 15 cases to the Attorney General's Office (AGO). Of the transmittals for administrative action, five were criminal conviction cases, nine were malpractice cases, one was a vaccination exemption case, and eight were petitions for reinstatement of licensure. The CIO also referred two cases to the Board's Citation and Fine Program and one case for a Public Letter of Reprimand. CIO successfully recruited one Special Investigator, who reported for work on June 15, 2020.

The entire CIO unit began teleworking in March and continues to do so.

DISCIPLINE COORDINATION UNIT:

Management in the Discipline Coordination Unit (DCU) continues to work with staff to improve business processes and efficiencies. Following the reorganization of the file room, reconfiguring of the area was done to allow for additional storage space.

DCU currently has one vacant AGPA position. This position was advertised and interviews will be conducted in July. The DCU Staff Services Manager position has also been advertised, as this position will become vacant on July 24, 2020. Interviews will be conducted in August.

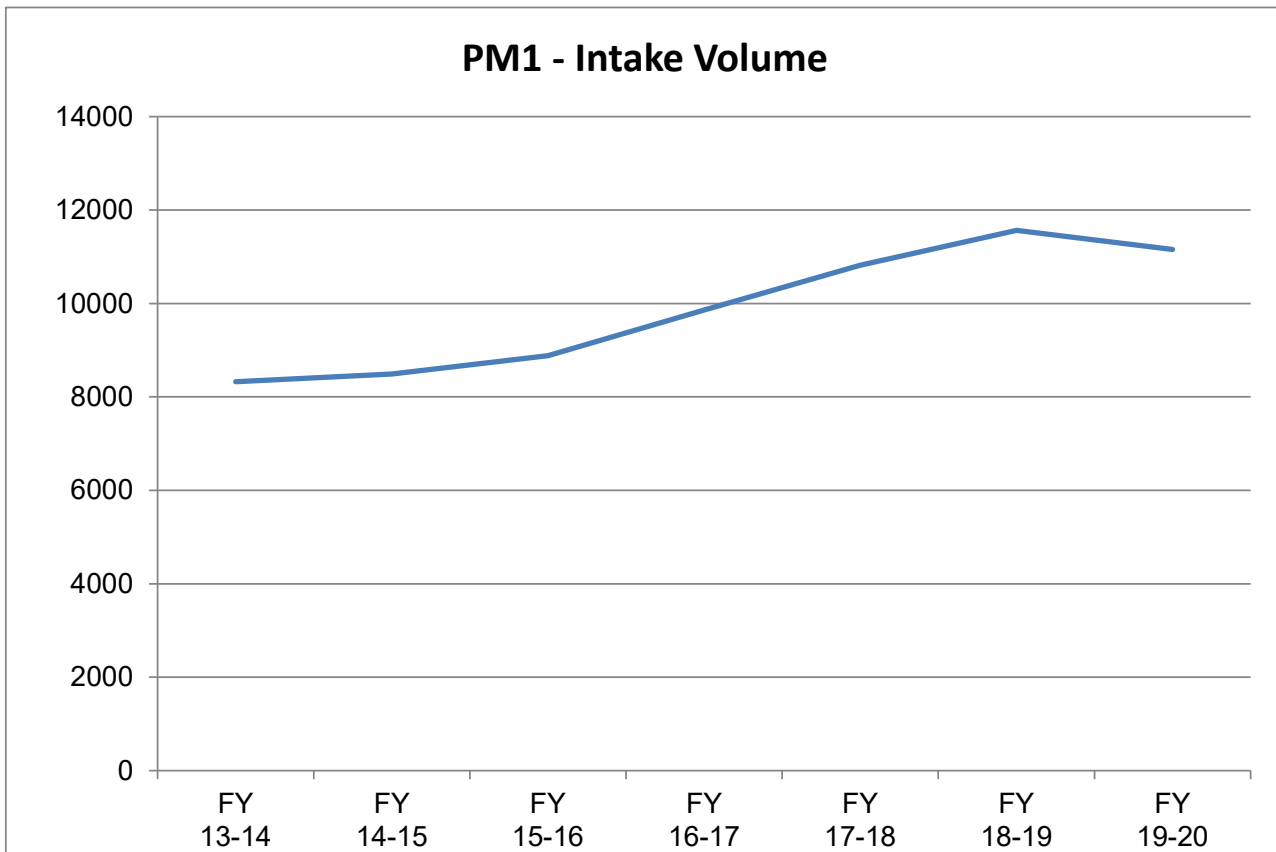
PROBATION UNIT:

The Probation Unit currently has three vacant Inspector positions. Interviews for these positions were conducted but no eligible candidates were identified. The positions will be re-advertised in July and management expects to conduct interviews in August.

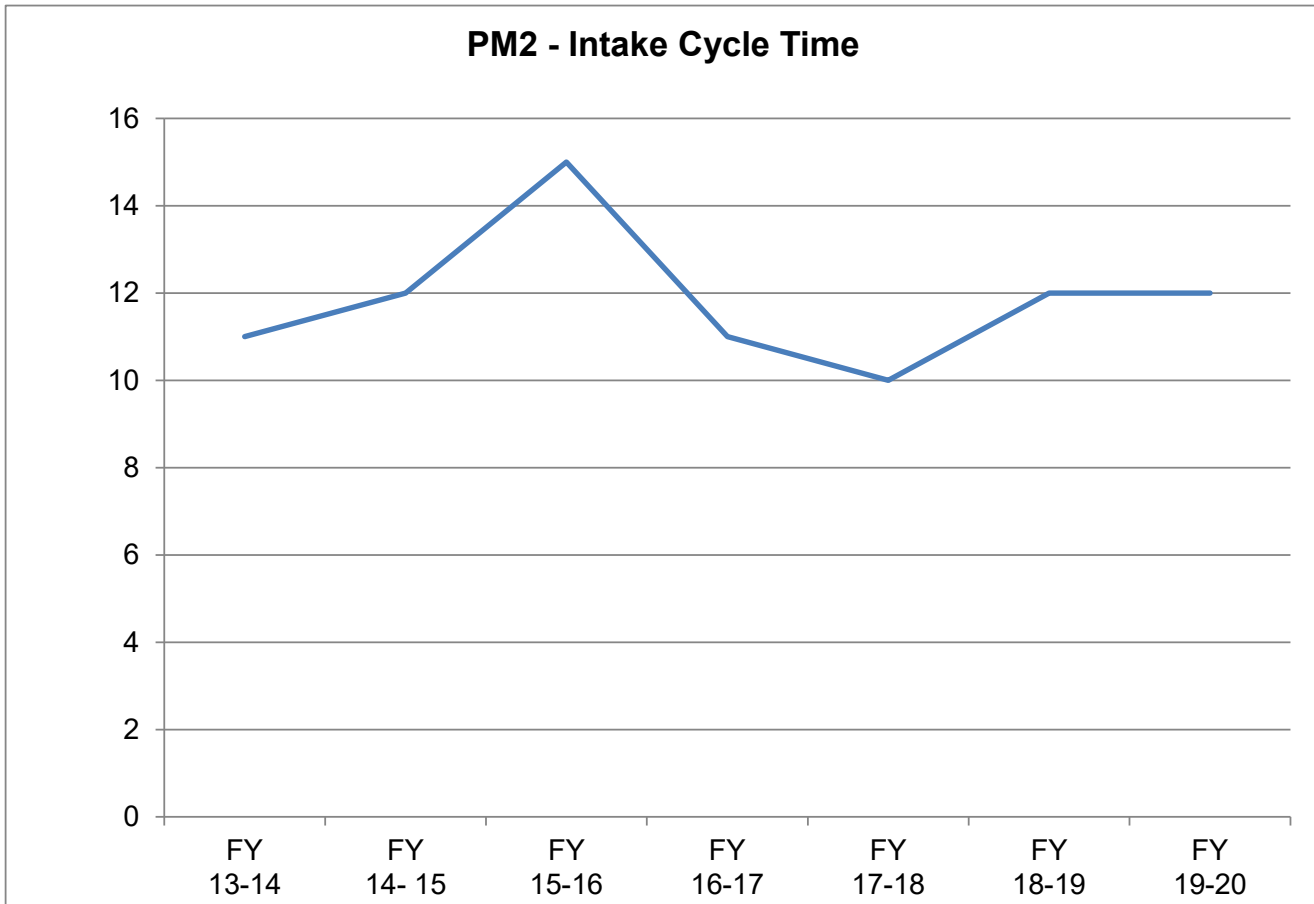
The Probation Unit will be looking at their processes and will be assuring consistency between the field and other areas of the probation process. In FY 2020-2021, the team will be asked to look at ways to streamline their processes and procedures for more efficiency. During the COVID 19, the Inspectors have been teleworking and doing interviews telephonically. This has created savings in travel expenses and allowed more time for completing and updating reports.

ENFORCEMENT PERFORMANCE MEASURES:

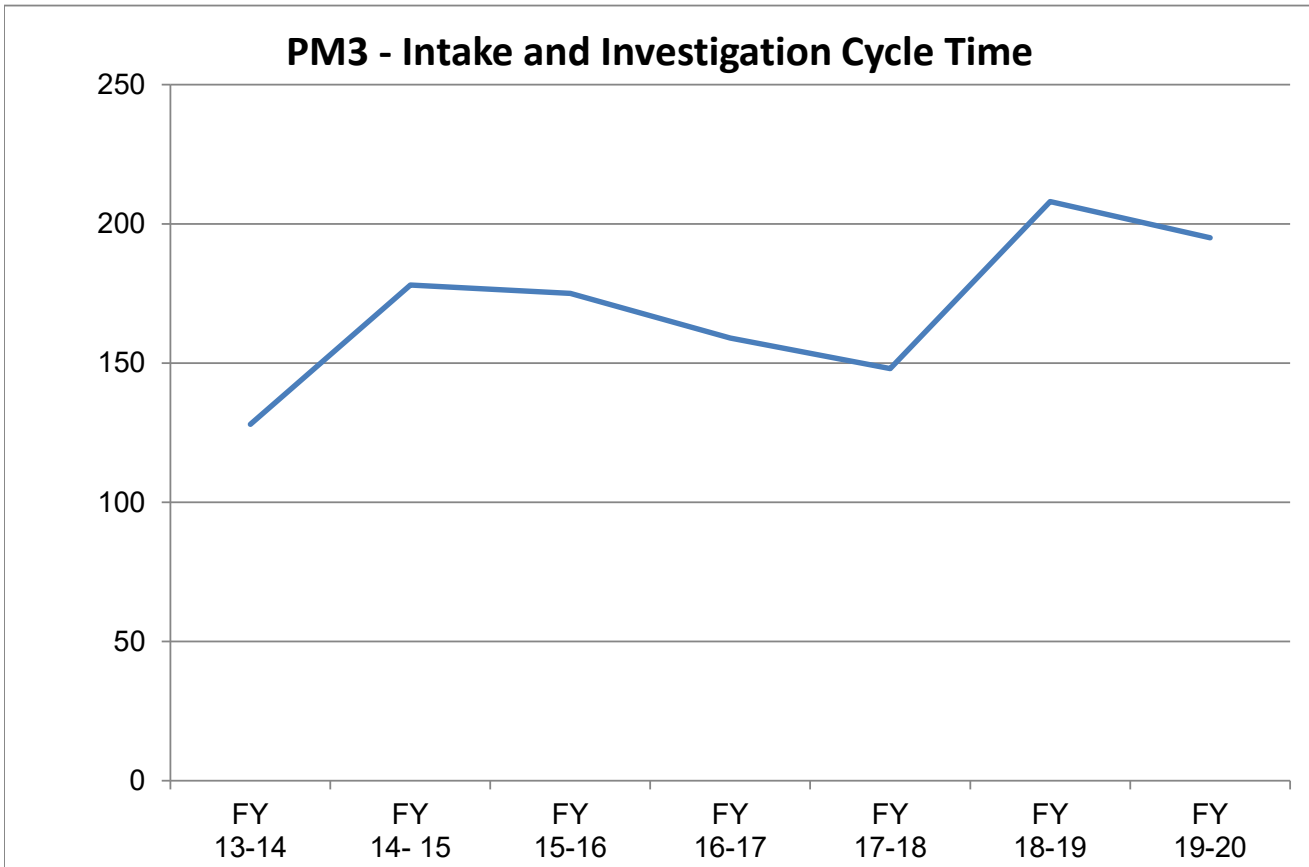
The charts below depict workload statistics regarding the number of complaints received, which includes complaints and arrest notifications (PM1), the average number of days to initiate a complaint and assign it to an analyst (PM2), the average number of days it takes to complete a case that has not 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 PM 8 statistics were implemented in July 2016, so only fiscal years since 16/17 are reflected. Additionally, statistics for fiscal year 19/20 reflect from July 1, 2019 to June 30, 2020.



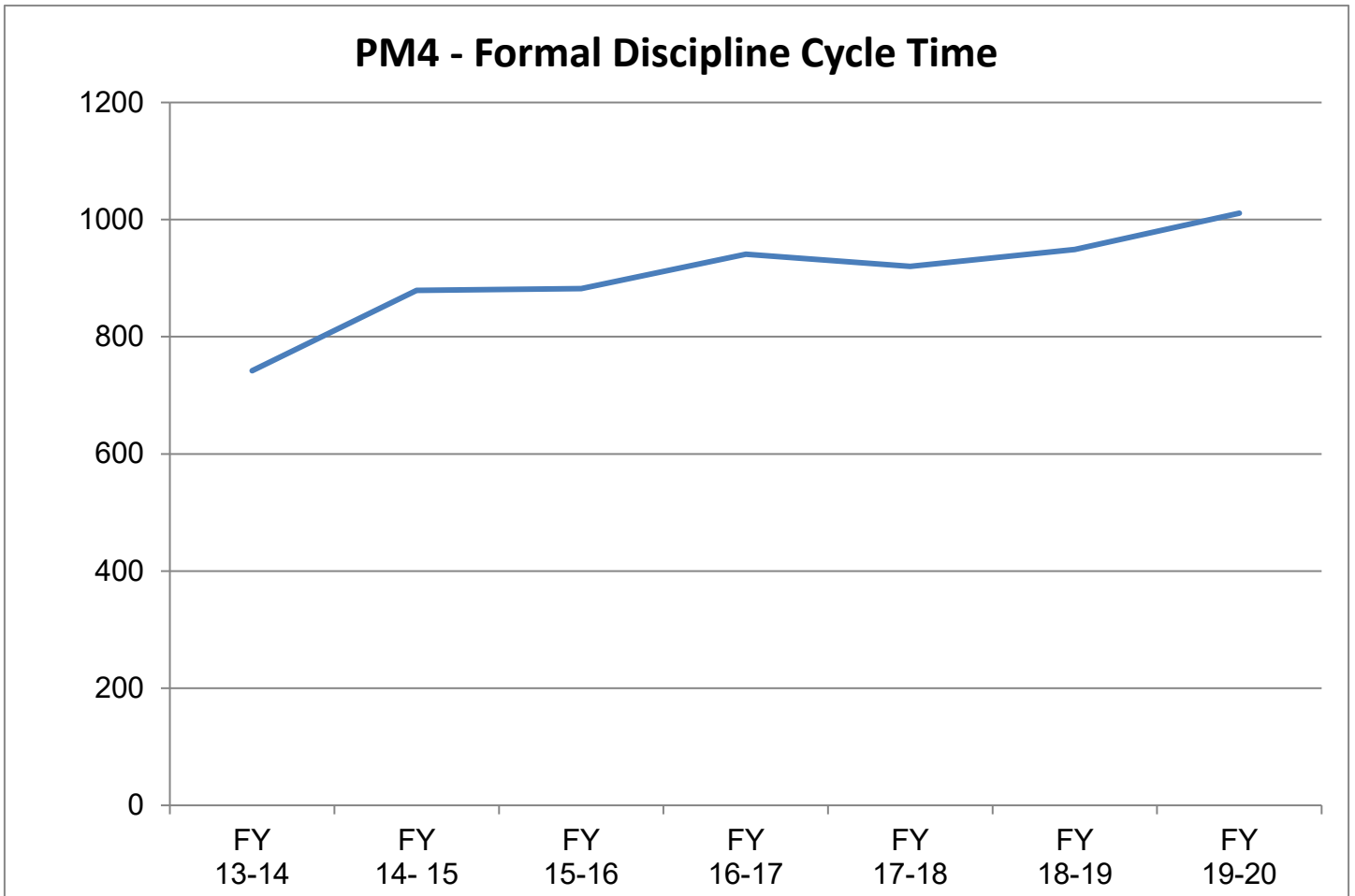
Month	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Volume	8325	8490	8885	9862	10817	11565	11155



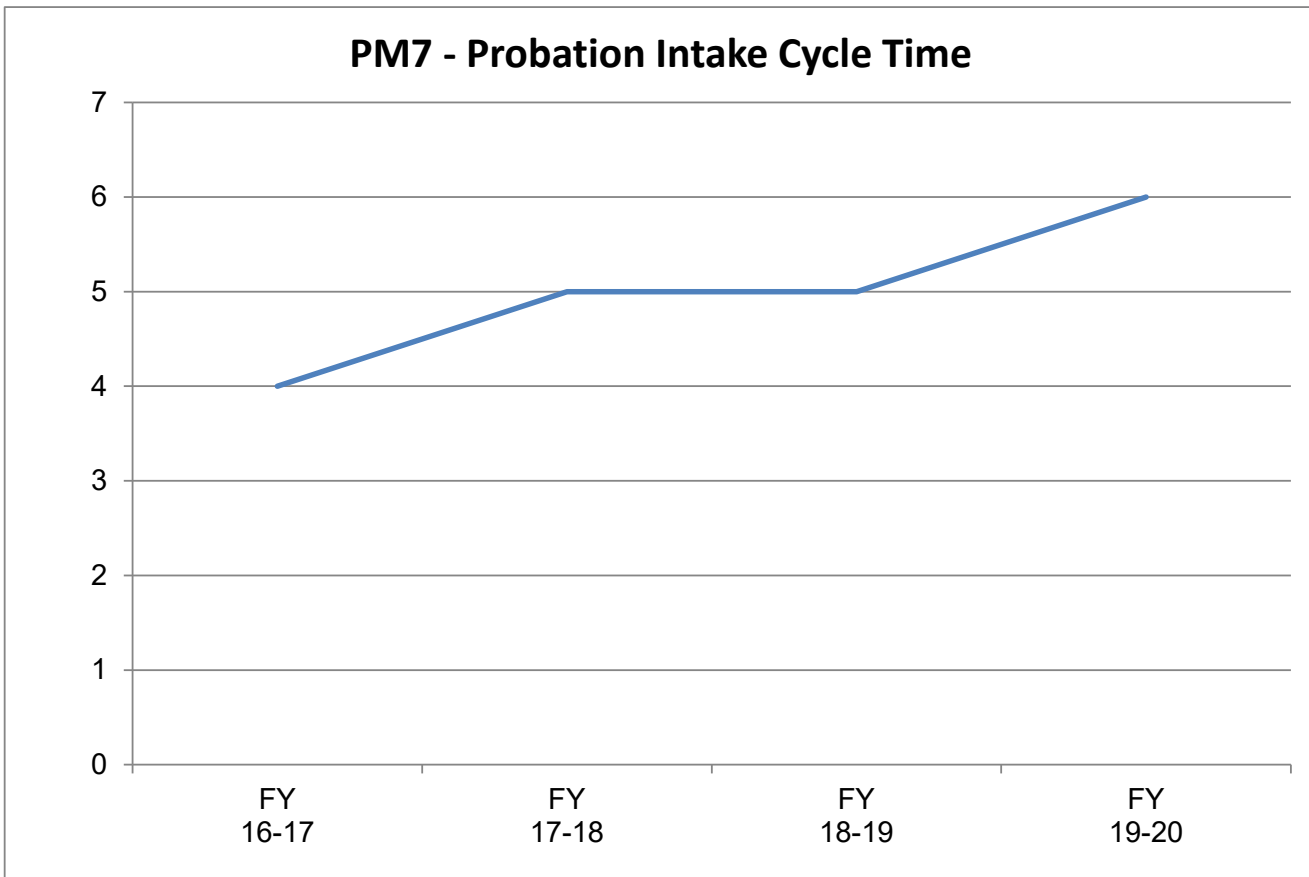
Month	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Cycle Time	11	12	15	11	10	12	12



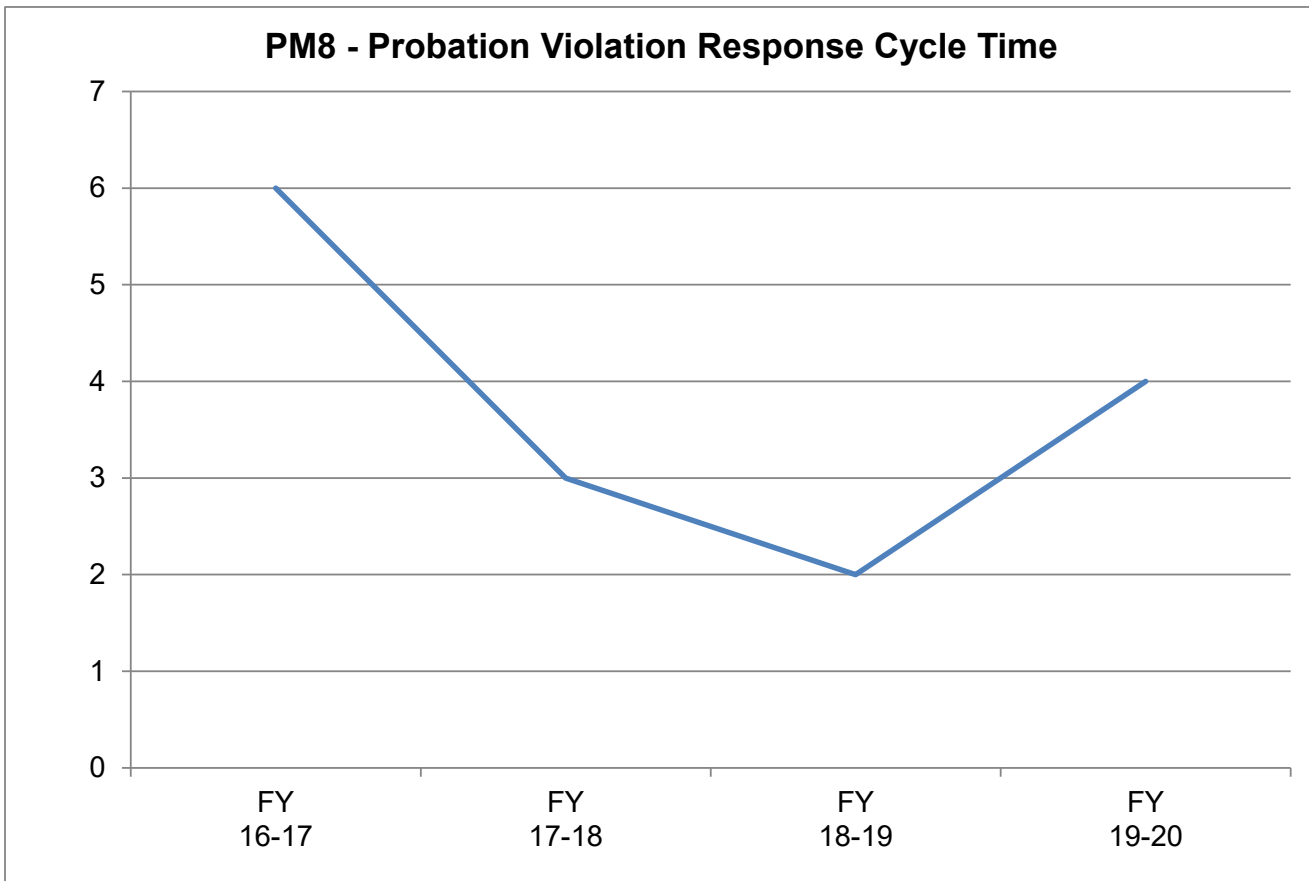
Month	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Cycle Time	128	178	175	159	148	208	195



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	1011

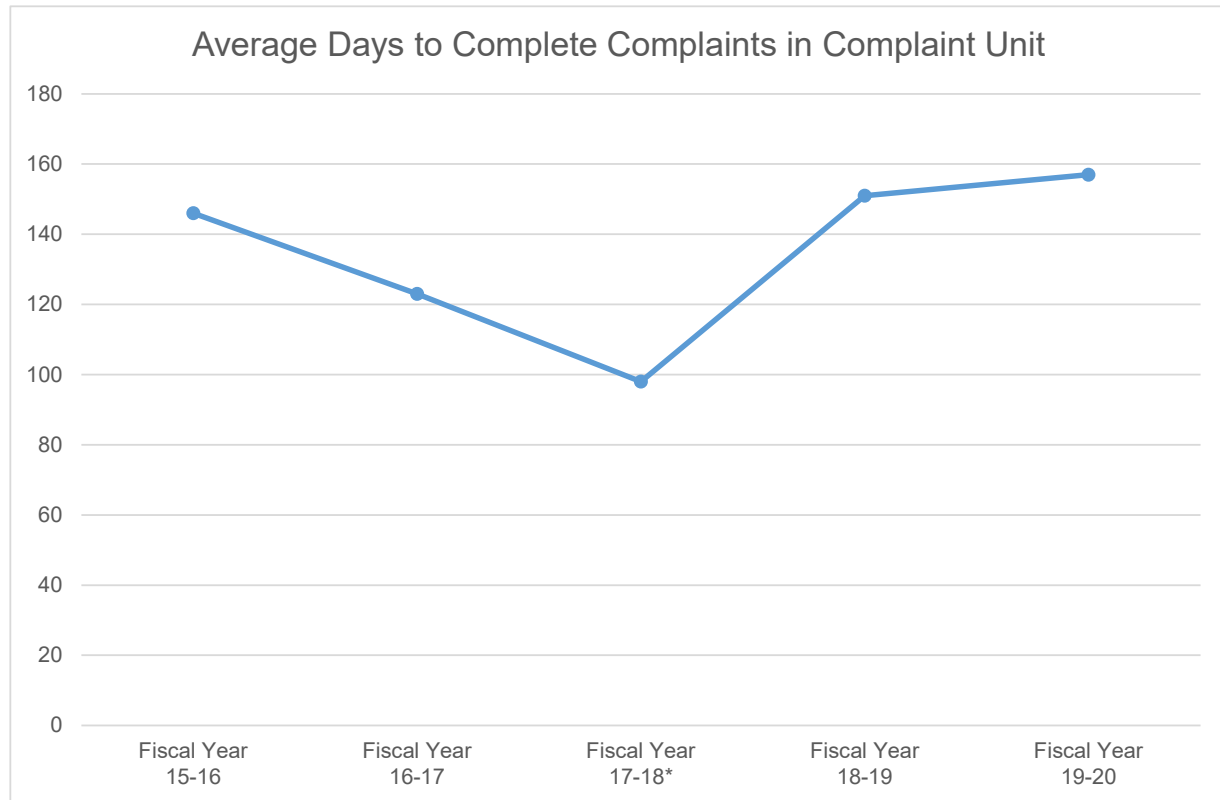


Month	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Cycle Time	4	5	5	6



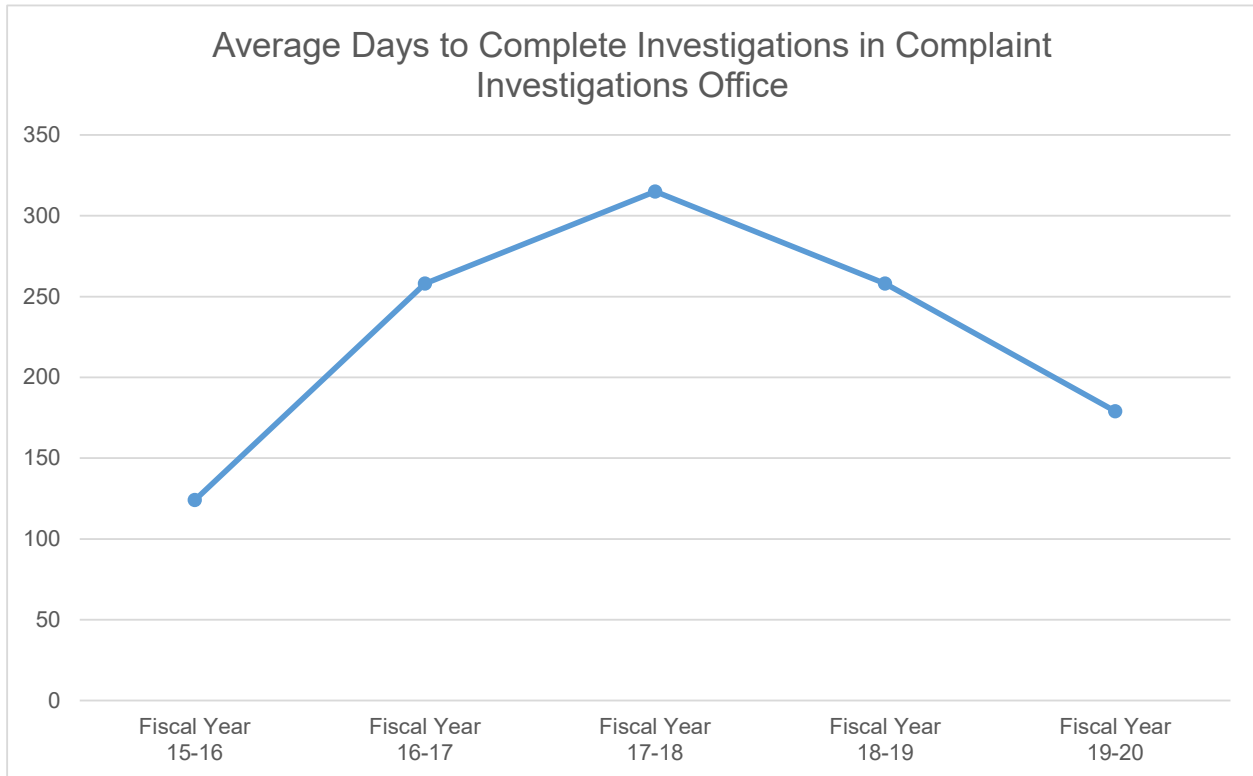
Month	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Cycle Time	6	3	2	4

Quarter	Fiscal Year 15-16	Fiscal Year 16-17	Fiscal Year 17-18*	Fiscal Year 18-19	Fiscal Year 19-20
Quarter 1	145	154	90	138	163
Quarter 2	159	138	90	140	153
Quarter 3	158	134	94	146	152
Quarter 4	146	123	98	151	157



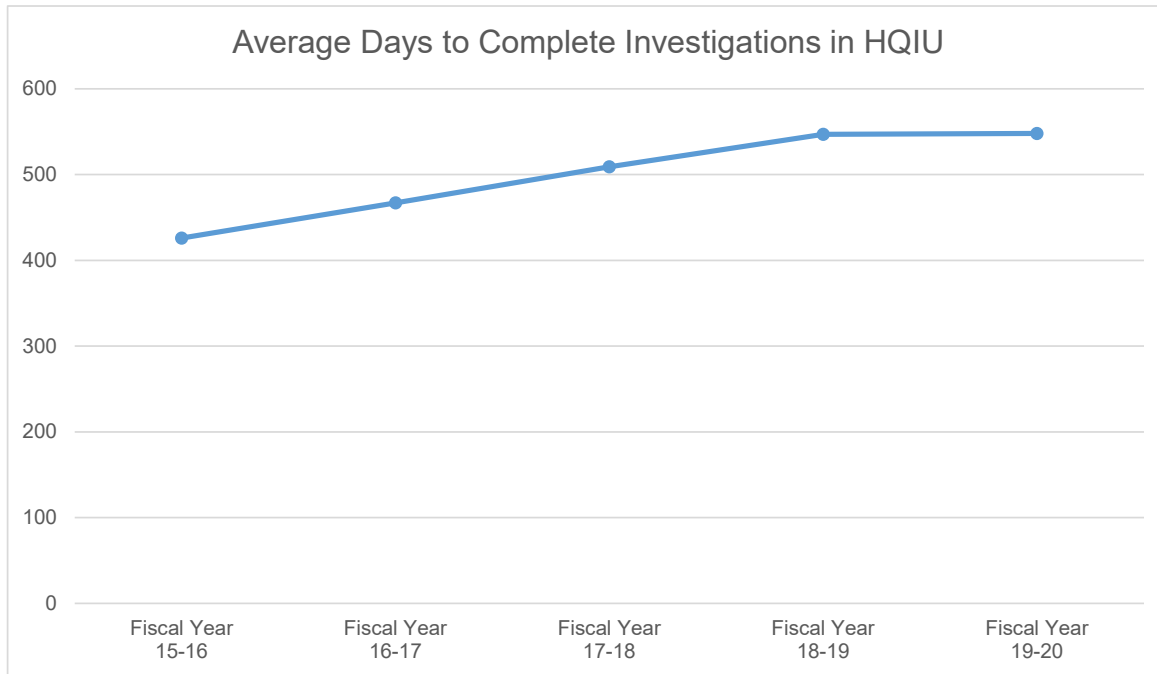
Average Days to Complete Complaints in Complaint Unit includes complaints resolved by Complaint Unit and Complaint Unit processing days for cases completed at field investigation.

Quarter	Fiscal Year 15-16	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19	Fiscal Year 19-20
Quarter 1	131	249	336	306	172
Quarter 2	112	240	303	293	165
Quarter 3	120	277	305	270	169
Quarter 4	124	258	315	258	179



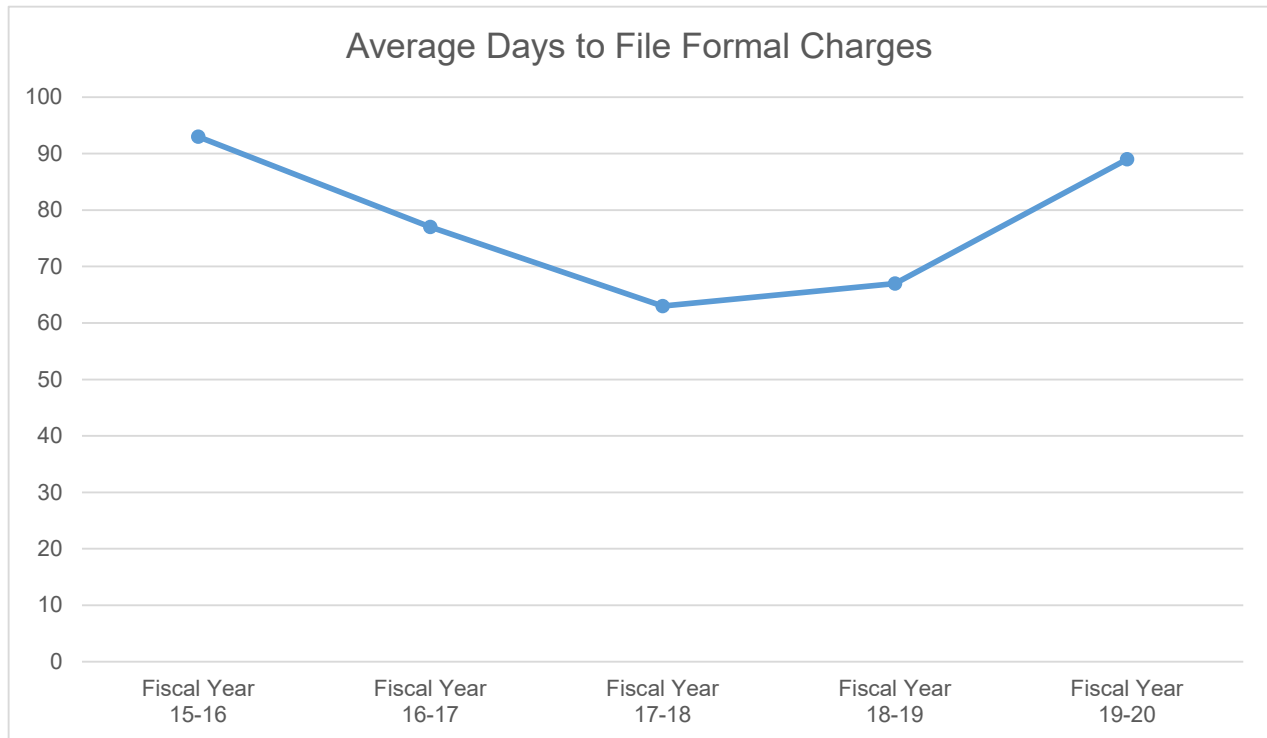
Investigation processing days are from the date case was assigned to Complaint Investigation Office (CIO) Investigator by Complaint Unit until closure or referral (does not include Complaint Unit processing days for complaints completed at CIO). Includes physician and surgeon data only.

Quarter	Fiscal Year 15-16	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19	Fiscal Year 19-20
Quarter 1	449	465	520	523	584
Quarter 2	453	473	530	512	587
Quarter 3	422	462	505	538	569
Quarter 4	426	467	509	547	548



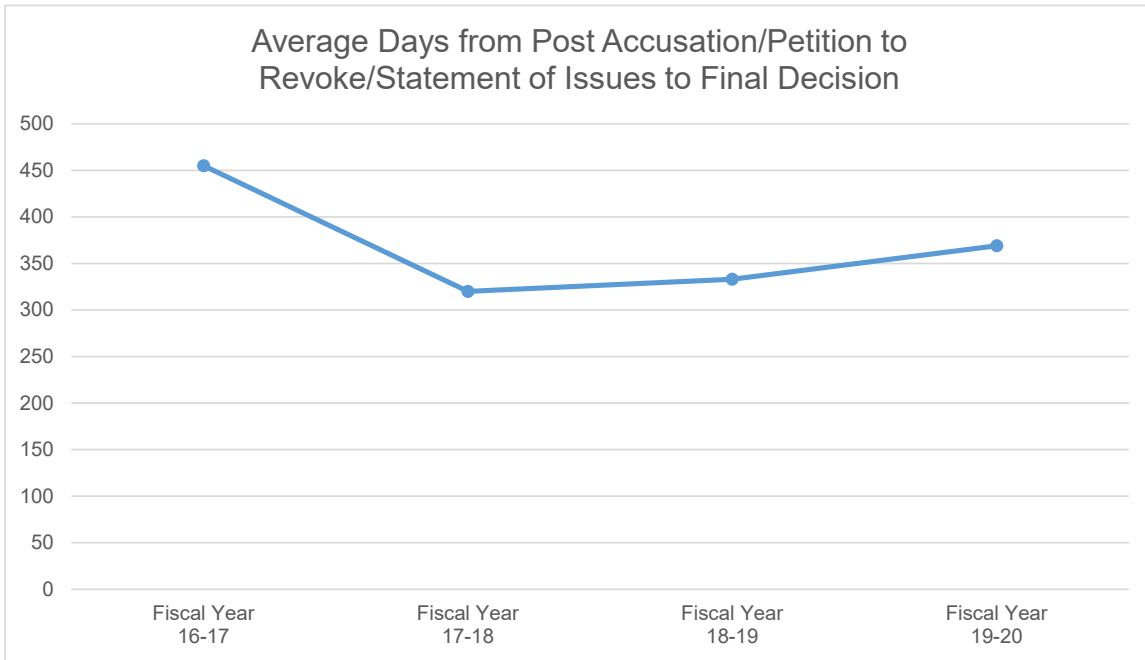
Effective 7/1/18 investigation processing days are from the date the case was referred to HQIU until closure or referral (this does not include Complaint Unit processing days for complaints completed at HQIU). This includes post-investigation processing time by HQIU, and review time by the Attorney General and Board after the investigation is completed, which is an average of 18 days through June 2020. Includes physician and surgeon data only.

Quarter	Fiscal Year 15-16	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19	Fiscal Year 19-20
Quarter 1	106	79	59	69	83
Quarter 2	98	76	63	66	90
Quarter 3	97	79	64	66	87
Quarter 4	93	77	63	67	89



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.

Quarter	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19	Fiscal Year 19-20
Quarter 1	456	345	297	342
Quarter 2	459	338	335	346
Quarter 3	443	336	323	365
Quarter 4	455	320	333	369



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.

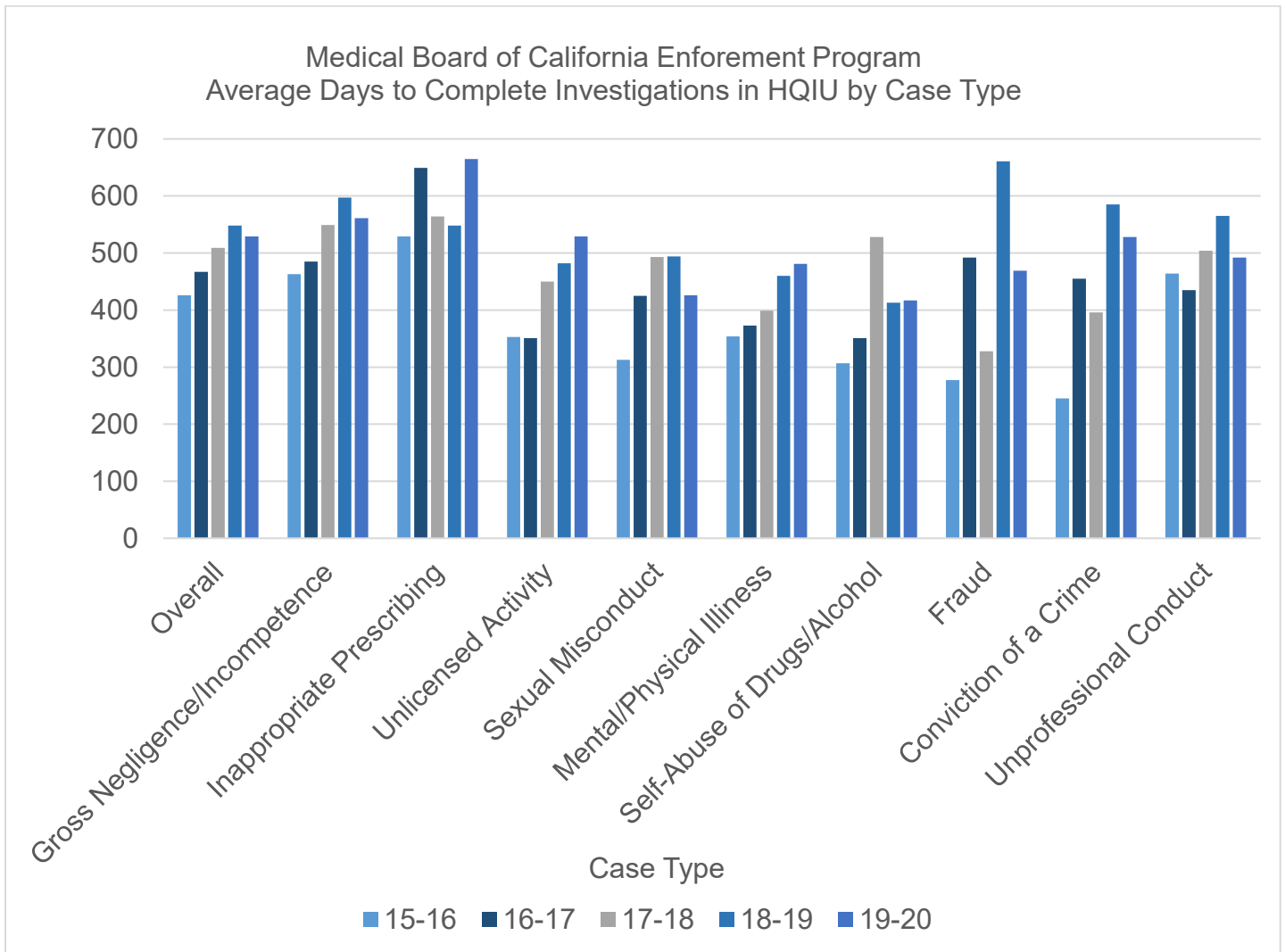
Fiscal Year	15-16 Average	15-16 Median	16-17 Average	16-17 Median	17-18 Average	17-18 Median	18-19 ¹ Average	18-19 ¹ Median	19-20 ² Average	19-20 ² Median
COMPLAINT PROCESSING	146	119	123	89	98	58	151	122	157	111
INVESTIGATION PROCESSING - MBC - CIO (Complaint Investigation Office)	124	52	258	203	316	251	258	127	179	133
INVESTIGATION PROCESSING - HQIU (Health Quality Investigation Unit)	426	367	467	431	510	483	547	502	548	517
TOTAL MBC & HQIU DAYS	230	155	141	104	119	68	179	141	171	127
TOTAL MBC & HQIU YEARS	0.63	0.42	0.39	0.28	0.33	0.19	0.49	0.39	0.47	0.35
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	89	70
POST - Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues	453	378	455	368	322	285	333	311	369	345
ACCUSATION DECLINED BY AG	56	31	25	14	114	19	53	32	48	29
TOTAL AG DAYS	479	393	473	328	327	286	339	312	374	354
TOTAL AG YEARS	1.31	1.08	1.30	0.90	0.90	0.78	0.93	0.85	1.02	0.97
TOTAL MBC & AG DAYS	967	919	1034	1040	926	939	1016	1057	1090	1110
TOTAL MBC & AG YEARS	2.65	2.52	2.83	2.85	2.54	2.57	2.78	2.90	2.99	3.04

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 6/30/2020

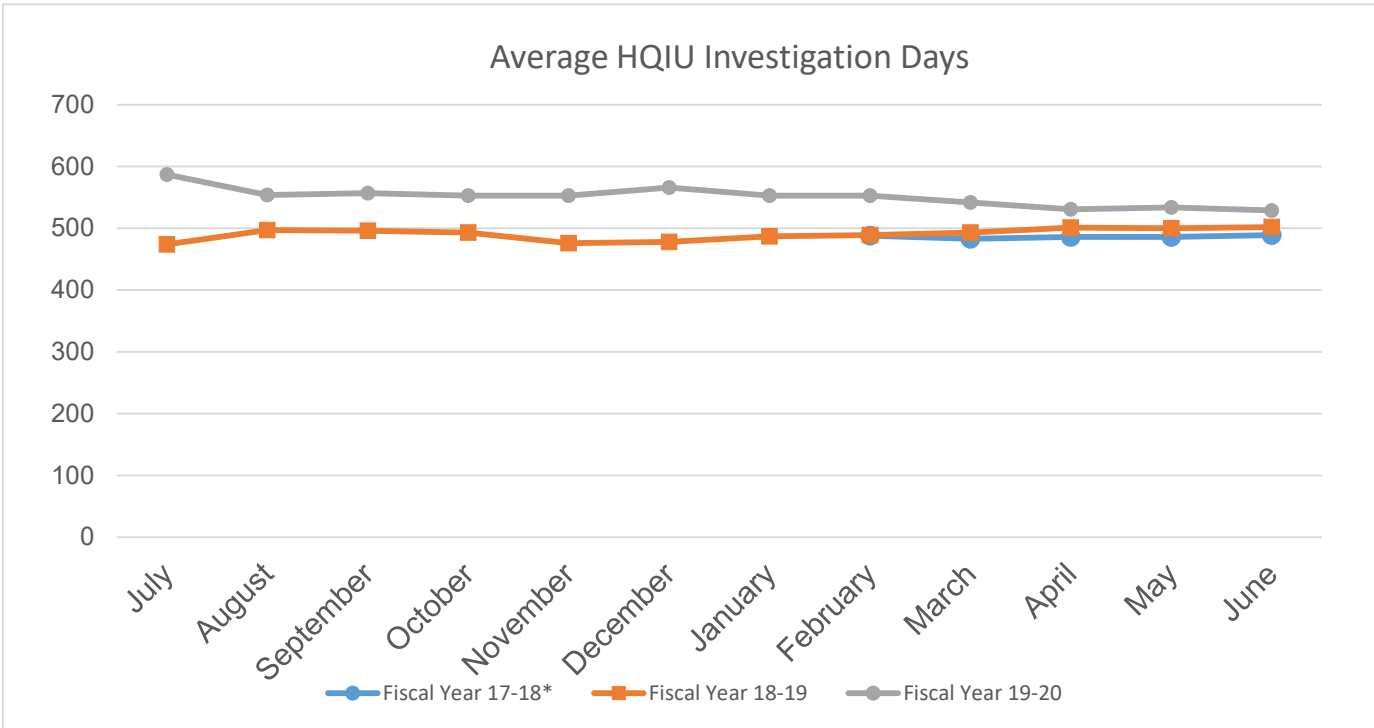
Includes physician and surgeon data only.



Case Type by Fiscal Year	15-16	16-17	17-18	18-19	19-20
Overall	426	467	509	548	529
Gross Negligence/Incompetence	463	485	549	597	561
Inappropriate Prescribing	529	649	564	548	665
Unlicensed Activity	353	351	450	482	529
Sexual Misconduct	313	425	493	494	426
Mental/Physical Illness	354	373	399	460	481
Self-Abuse of Drugs/Alcohol	307	351	528	413	417
Fraud	277	492	328	661	469
Conviction of a Crime	245	455	396	585	528
Unprofessional Conduct	464	435	504	565	492

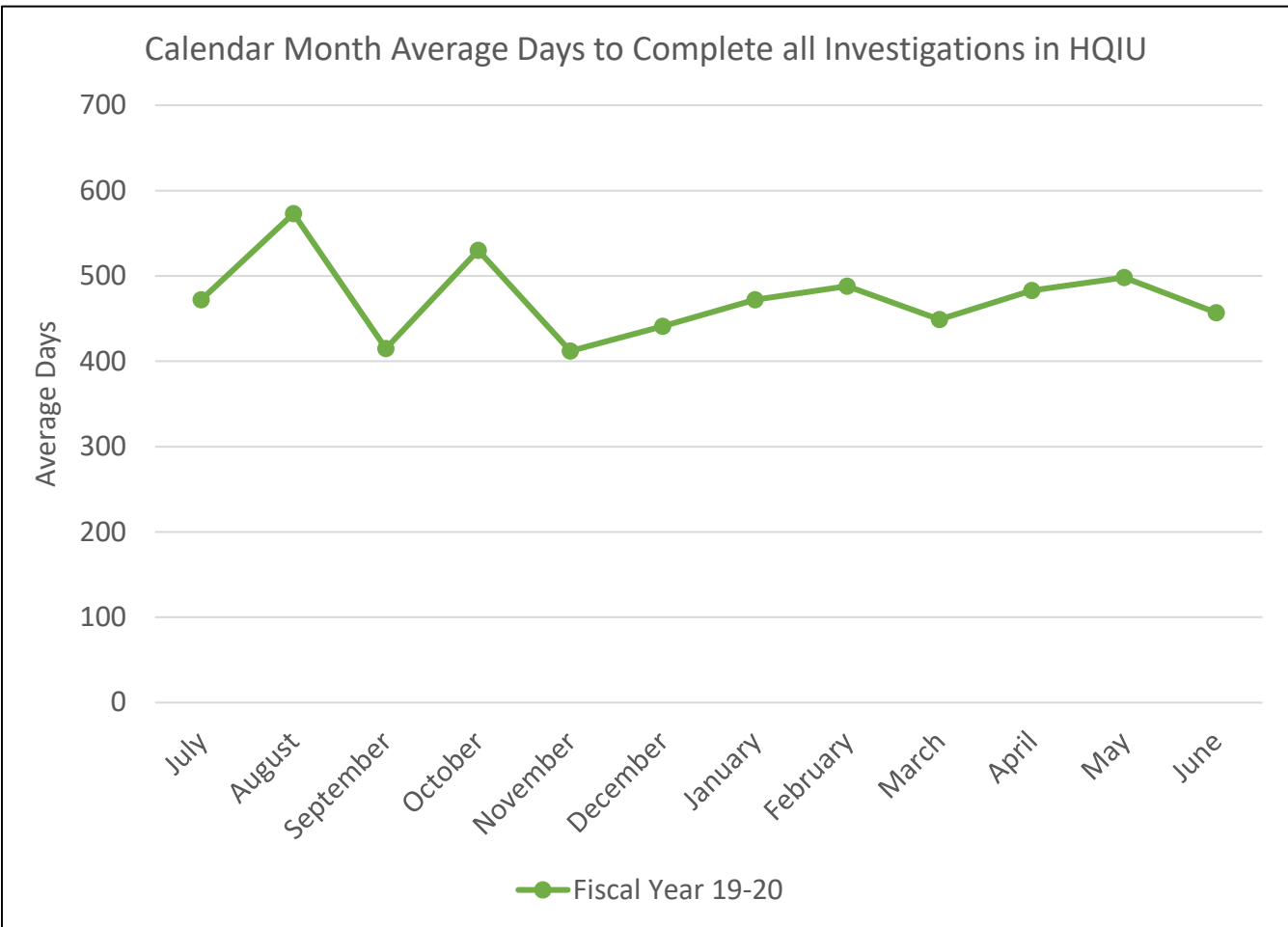
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Month	Fiscal Year 17-18*	Fiscal Year 18-19	Fiscal Year 19-20
July		474	587
August		497	554
September		496	557
October		493	553
November		476	553
December		478	566
January		487	553
February	488	489	553
March	483	493	542
April	486	501	531
May	486	500	534
June	489	502	529

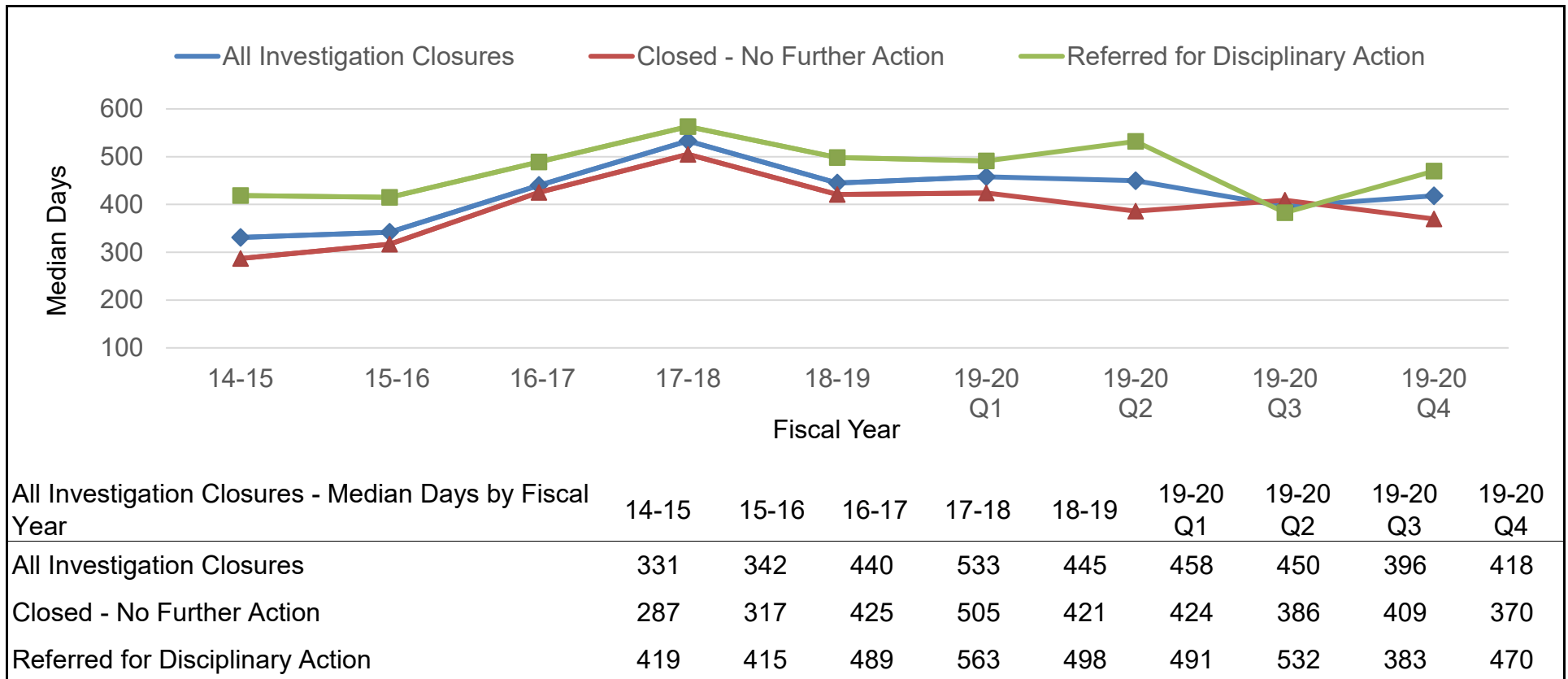


* Information not previously reported for the months of July - January. Investigation processing days are from the date the case was assigned to HQIU investigator until completion of the investigation for closure or referral. This timeframe excludes the Attorney General and Board review time after the investigation is

Month	Fiscal Year 19-20
July	472
August	573
September	415
October	530
November	412
December	441
January	472
February	488
March	449
April	483
May	498
June	457

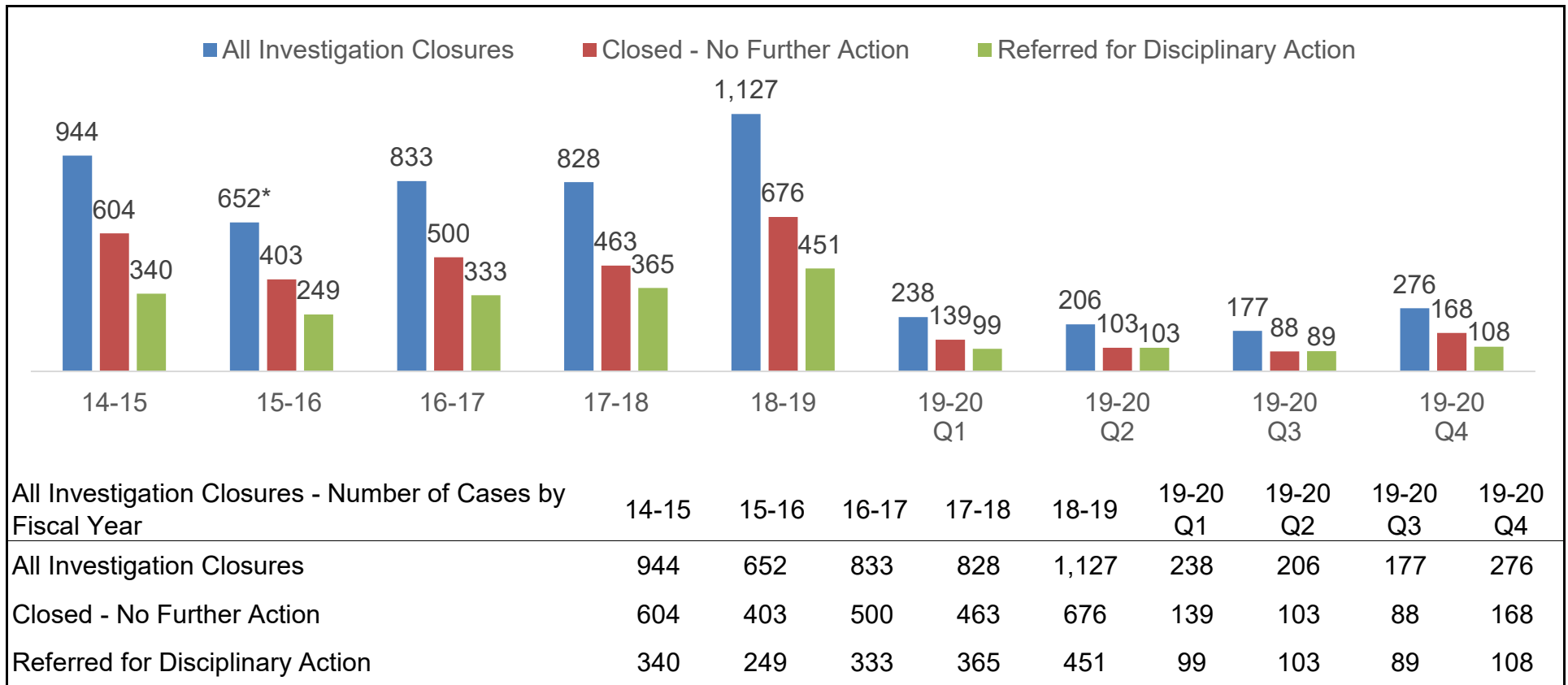


Monthly investigation processing days are from the date the case was assigned to an HQIU Investigator until completion of the investigation in the calendar month. Includes physician and surgeon, licensed midwife, research phychoanalyst, polysomnographic program, physician assistant, doctor of podiatric medicine, and osteopathic physician and surgeon data.



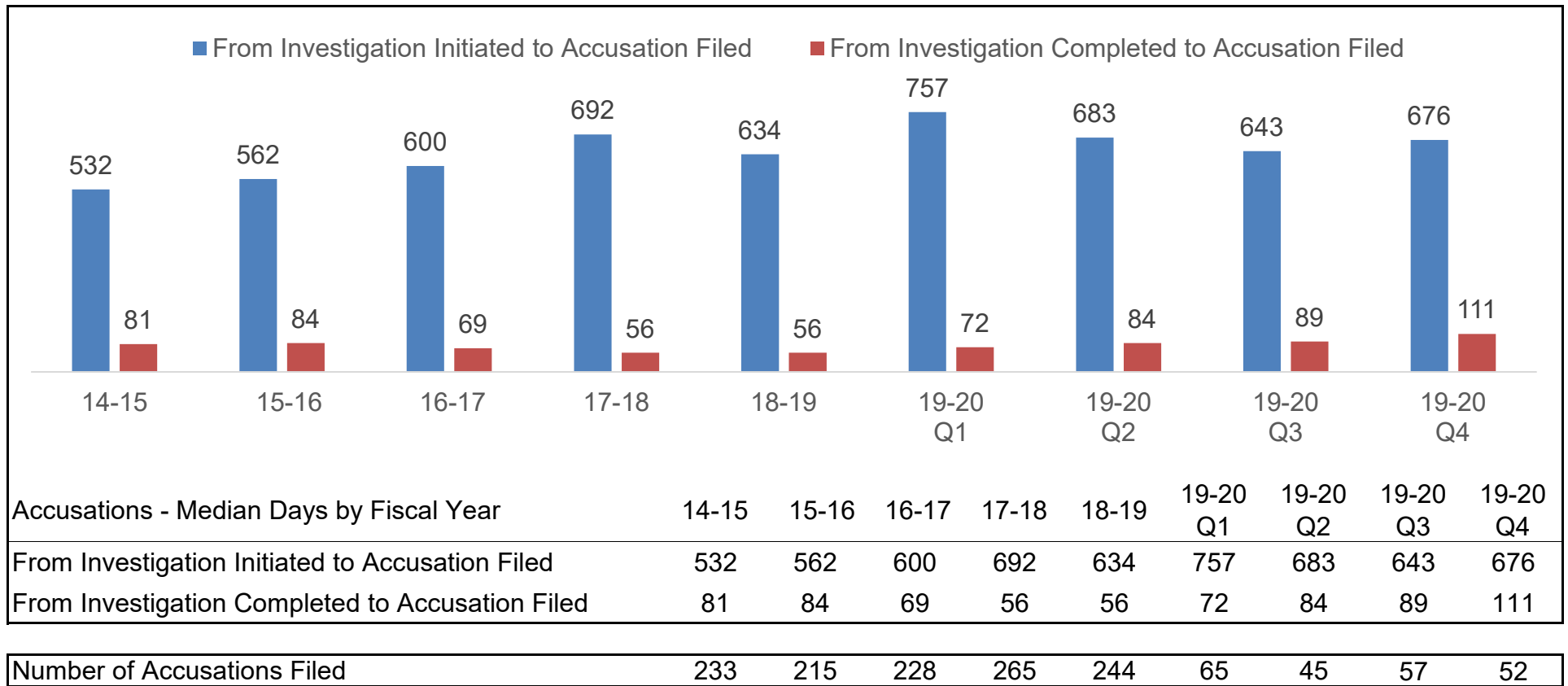
*Median days - From the date the case was assigned to the Investigator/Deputy Attorney General to closure or referral to the Attorney General’s Office for prosecution.

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.

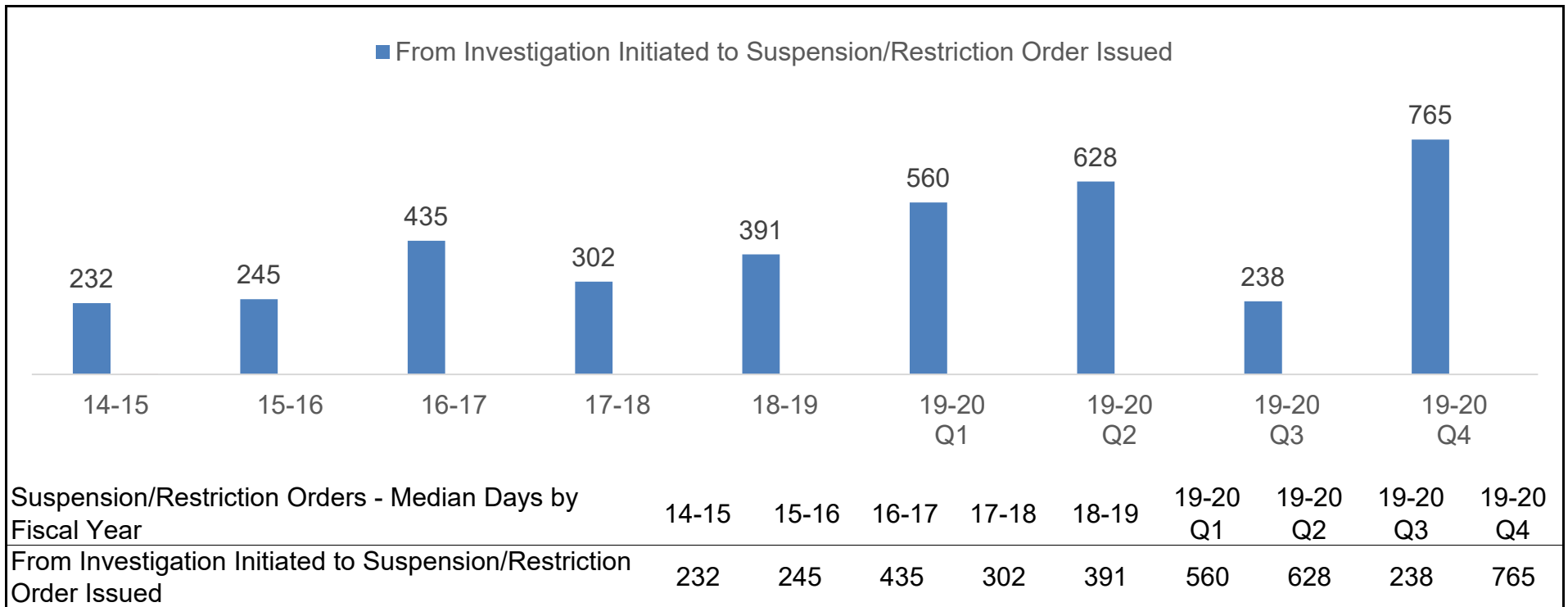


*This decrease is due to the Board initiating, in July 2014, a complaint investigation office of non-sworn special investigators who began investigating cases that would have been sent to HQIU.

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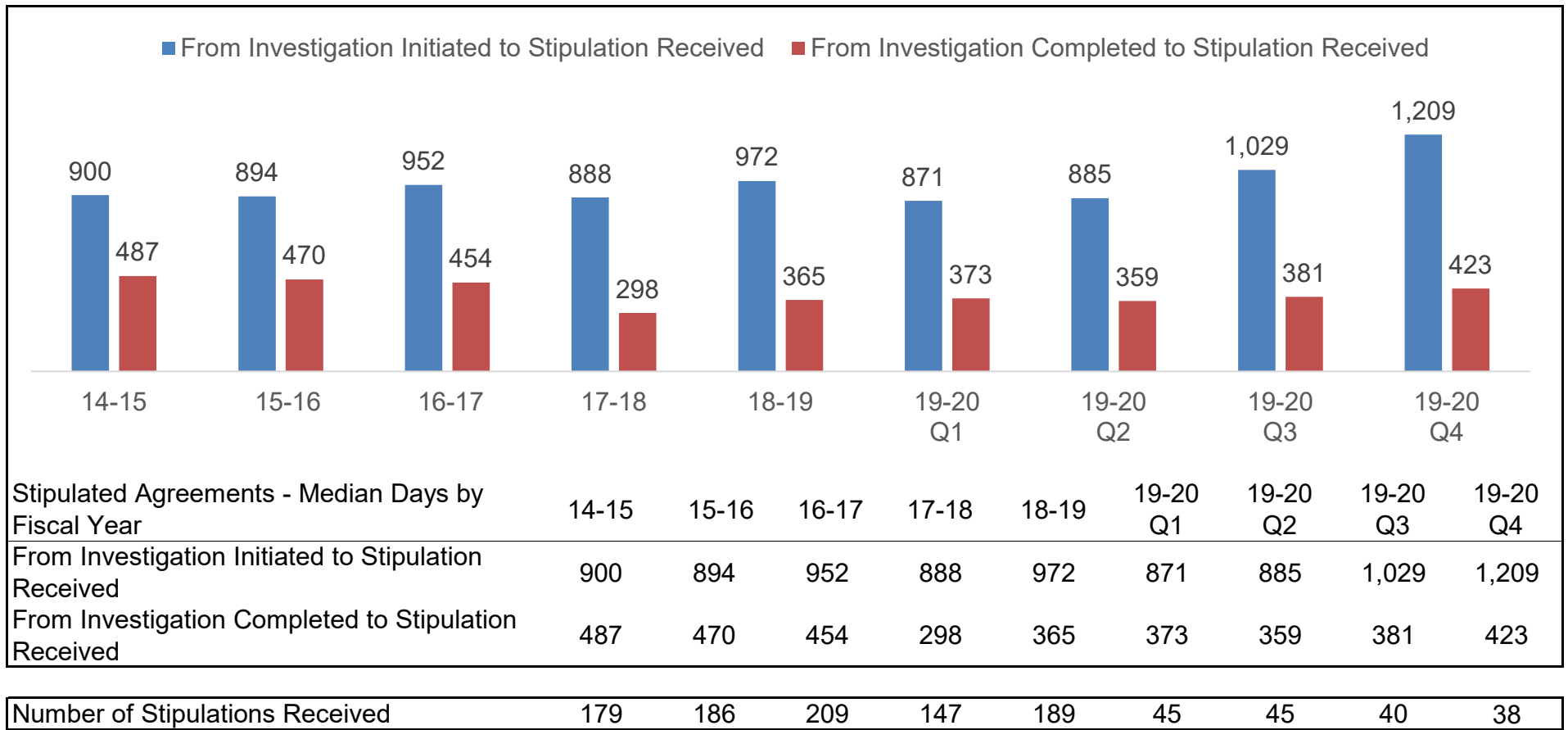
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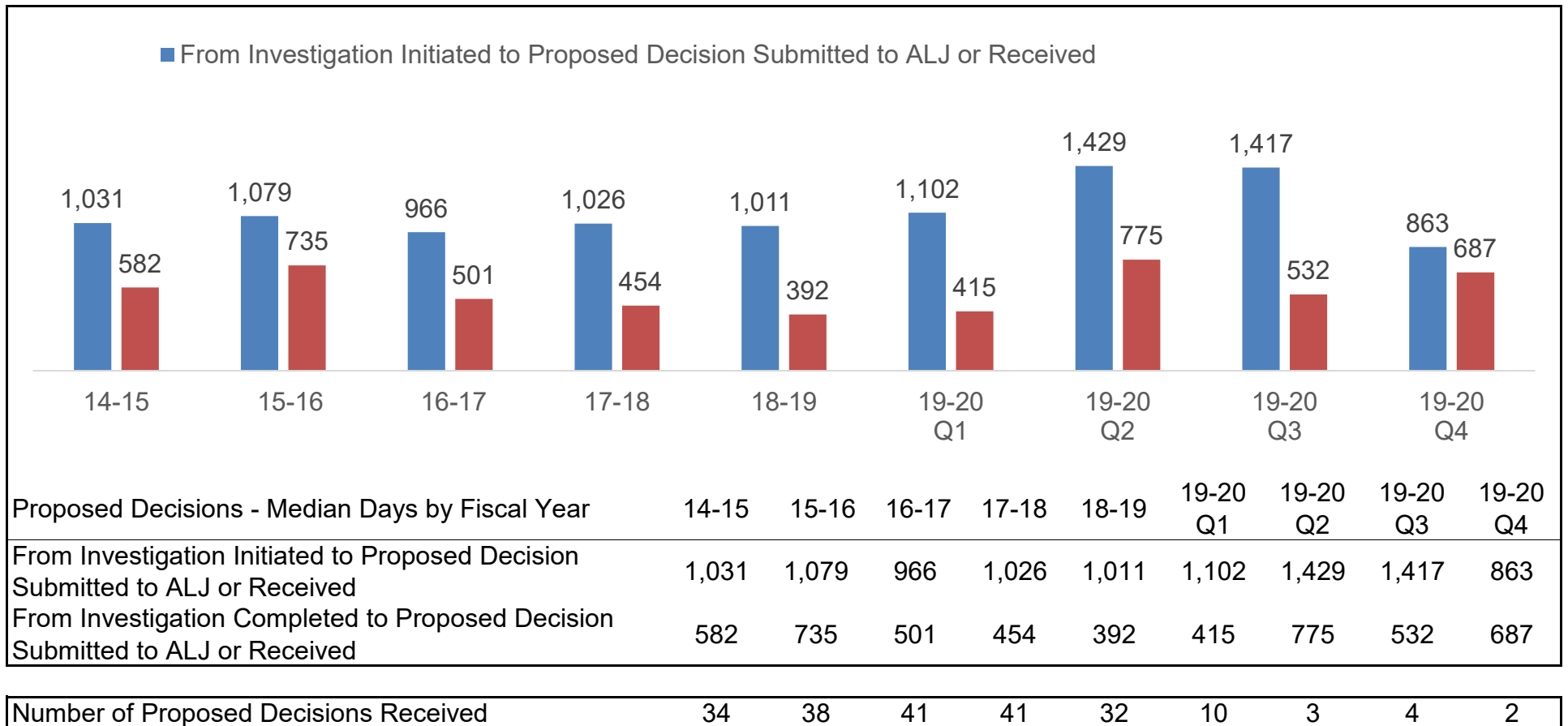
Suspension/Restriction Orders - Median Days by Fiscal Year	14-15	15-16	16-17	17-18	18-19	19-20 Q1	19-20 Q2	19-20 Q3	19-20 Q4
From Investigation Initiated to Suspension/Restriction Order Issued	232	245	435	302	391	560	628	238	765

*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

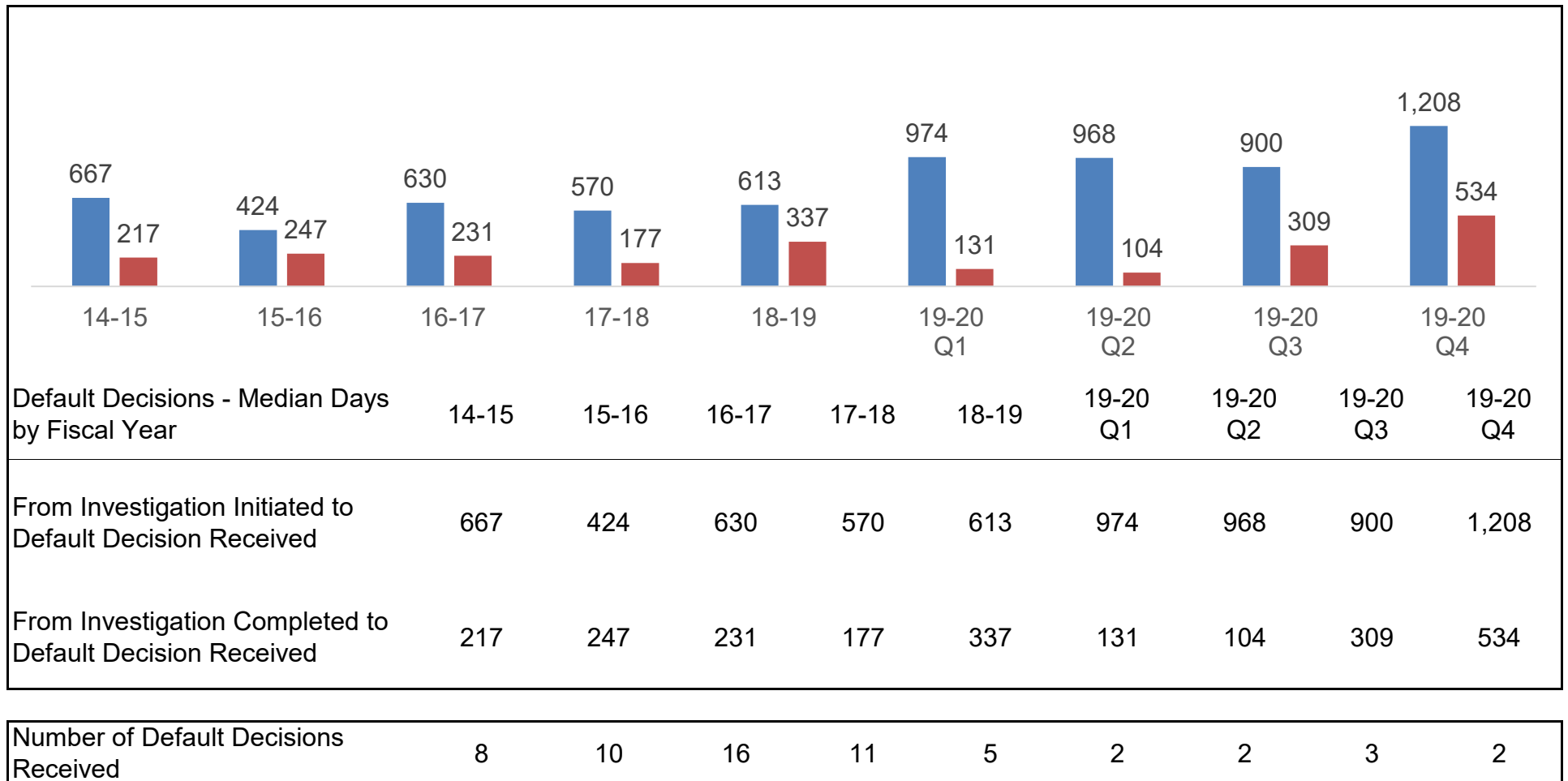
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Pending Enforcement Caseload Summary

	0-3 Months	4-6 Months	7-9 Months	10-12 Months	1 Year	2 Years	3 Years	4 Years	Over 4 Years	Total by Group
Central Complaint Unit	1,155	906	526	385	382	15	0	0	0	3,369
Complaint Investigation Unit	41	32	25	21	19	2	0	0	0	140
Health Quality Investigation Unit	170	272	216	275	565	205	5	3	0	1,711
Citation and Fine Desk	1	11	3	0	4	2	2	1	1	191
Out-of-State Desk	54	12	3	1	0	0	0	0	0	70
AG-Pre	156	54	35	15	38	1	0	0	0	299
AG-Post	60	91	62	49	82	19	5	1	2	371
Probation Monitoring	43	41	42	34	167	117	98	45	32	619
Total by Age	1,646	1,405	901	768	1,255	370	115	52	38	6,770