

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: October 15, 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 645 active experts in the Board's expert database. Expert program analysts receive monthly reports of experts with expiring contracts and utilize this information to renew contracts. Expert program analysts routinely process billing submitted by experts and work with HQIU and Deputy Attorney General staff to provide assistance selecting an expert for cases assigned to their units. Advertisement for the following specialties were in the Board's summer 2020 Newsletter:

- Psychologists
- Clinical Diagnostic Examiners
- Physical and Mental Examiners

Due to COVID-19, expert reviewer training is scheduled via WebEx in October and November.

CENTRAL COMPLAINT UNIT:

The average number of days to initiate a complaint in the Central Complaint Unit (CCU) is seven (7) days for the first quarter of FY 2020-2021, which is within the timeframe mandated by Business and professions Code section 129(b). This is a significant improvement over the average of twelve (12) days for FY2019/2020. In the first quarter of the FY, we received 2535 complaints. The average days to complete the processing of a complaint in CCU is 170 days (this number provided in September 2020 Enforcement Monthly Statistics report provided by ISB).

CCU staff continue to focus their efforts to reduce the aging of all case types. In the last quarter, CCU decreased the total number of pending complaints by 16% and the number of complaints over 1 year decreased by 63%. CCU is currently utilizing the Chief Medical Consultant to perform up front reviews of complaints. Direct access and availability of the Chief Medical Consultant has provided support to CCU staff in addressing cases more quickly and efficiently. This combined with CCU staff focusing on their aging cases has resulted in decreases in aging cases and total number of pending cases.

CCU currently has one vacant part-time Management Services Technician (MST) position, this position was gained through passage of legislation (SB425), two vacant Staff Services Analyst (SSA) positions, both due to employees leaving the Board for promotional positions with other agencies, three vacant Associate Governmental Program Analyst (AGPA) positions, one is vacant due to a promotion in place, one is vacant due to an employee on extended leave, and the third position was gained through legislation (SB425). All positions were advertised and the evaluation and interview process will be conducted.

With most staff teleworking due to COVID-19, CCU compiled a list of tools and resources to assist with the processes and to push towards a paperless platform. Currently, intake staff are scanning and uploading complaint information in the BreEZe database. Analysts working complaints are scanning and attaching copies of requests for information needed to process complaints.

The medical consultant program analysts receive a monthly report of consultants with expiring contracts and utilize this information to renew contracts. Medical consultant program analysts continue assigning cases that require specialty review to consultants, follow up on cases checked out to consultants for 30 days or more, and routinely process billing submitted by consultants.

CCU Managers are working with ISB to update content on the Board's website for consumers and licensees. Additionally, CCU works with ISB to request updates to template letters and forms used by CCU staff. In the last quarter, the Physician Assistant Board has transitioned to handling their own complaints. As such, CCU revised the Consumer Complaint form to remove the check box for PAs from the form.

COMPLAIN INVESTIGATION OFFICE:

The Complaint Investigation Office (CIO) of non-sworn investigators currently have a caseload of approximately 45 cases each. This figure does not include over 200 cases CIO took on to assist CCU with B&P 801 cases last summer, of which 64 cases are still being processed. Since the last enforcement summary, CIO has closed 73 cases and has transmitted 16 cases to the Attorney General's Office (AGO). Of the transmittals for administrative action, eight were criminal conviction cases, five were malpractice cases, three were vaccination exemption case, and five 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.

All CIO staff are continuing to telework.

DISCIPLINE COORDINATION UNIT:

Since the last enforcement summary, all vacant positions in the Discipline Coordination Unit (DCU) have been filled. The new Staff Services Manager I reported to work September 1, 2020, and the incumbent for the final Staff Services Analyst position began

work on September 14, 2020. DCU currently has two analysts on maternity leave but received approval to hire a retired annuitant to assist with case processing. This individual returned to the unit on August 13, 2020.

DCU management and staff continue to work on ways to improve business processes, and update the procedure manual and necessary documents accordingly.

PROBATION UNIT:

The Probation Unit currently has four vacant Inspector positions. Conditional offers of employment have been made to three candidates, all pending fingerprint clearance and medical evaluation. Interviews for the fourth vacancy were conducted October 15, 2020, and management is awaiting eligibility determination.

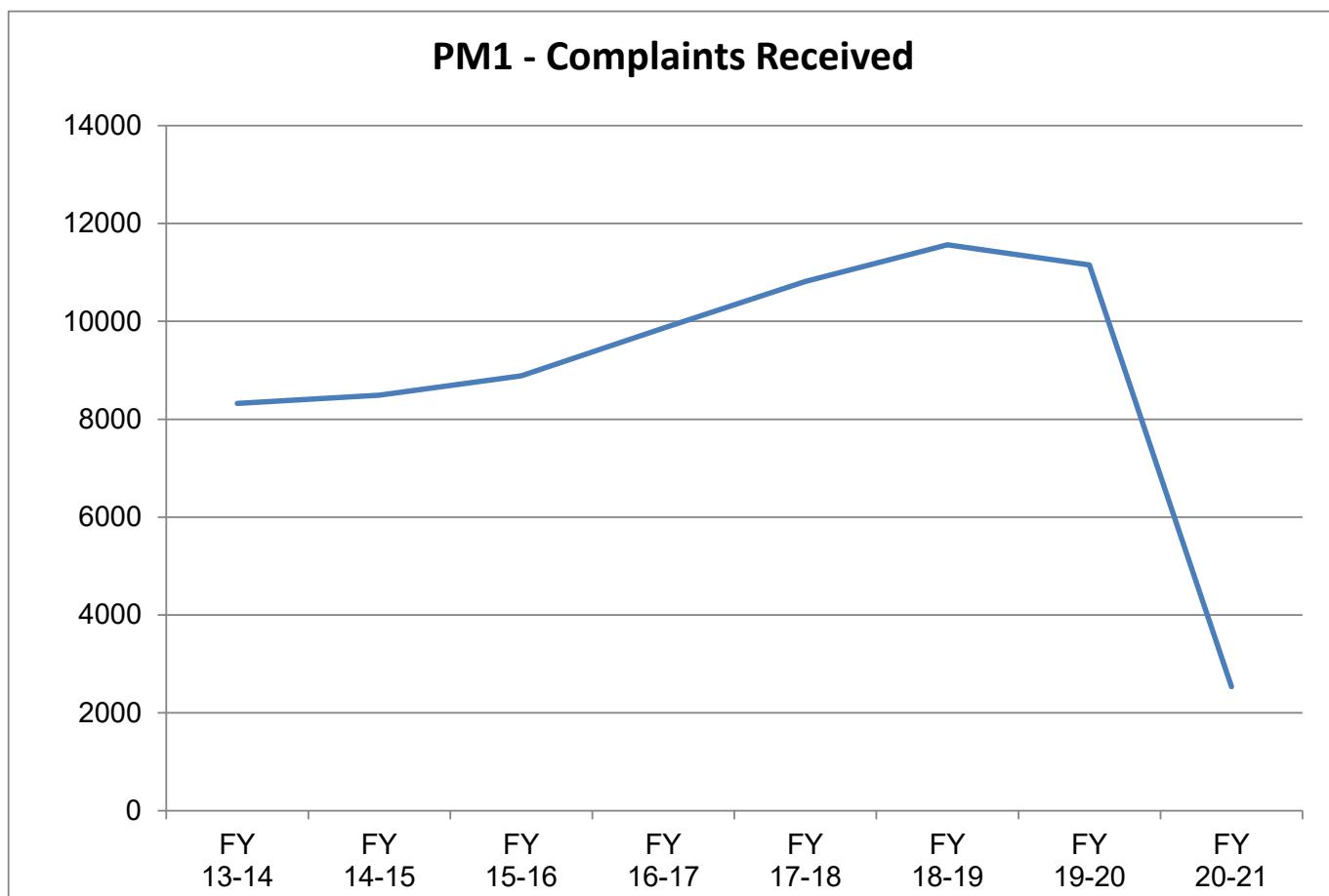
Probation Inspectors continue to telework and conduct interviews telephonically.

ENFORCEMENT PERFORMANCE MEASURES:

The charts below depict workload statistics regarding the number of complaints received, which includes complaints and arrest notifications (PM1), and the average number of days to initiate a complaint and assign it to an analyst (PM2). Statistics for Fiscal Year 2020/2021 are from July 1, 2020 to September 30, 2021.

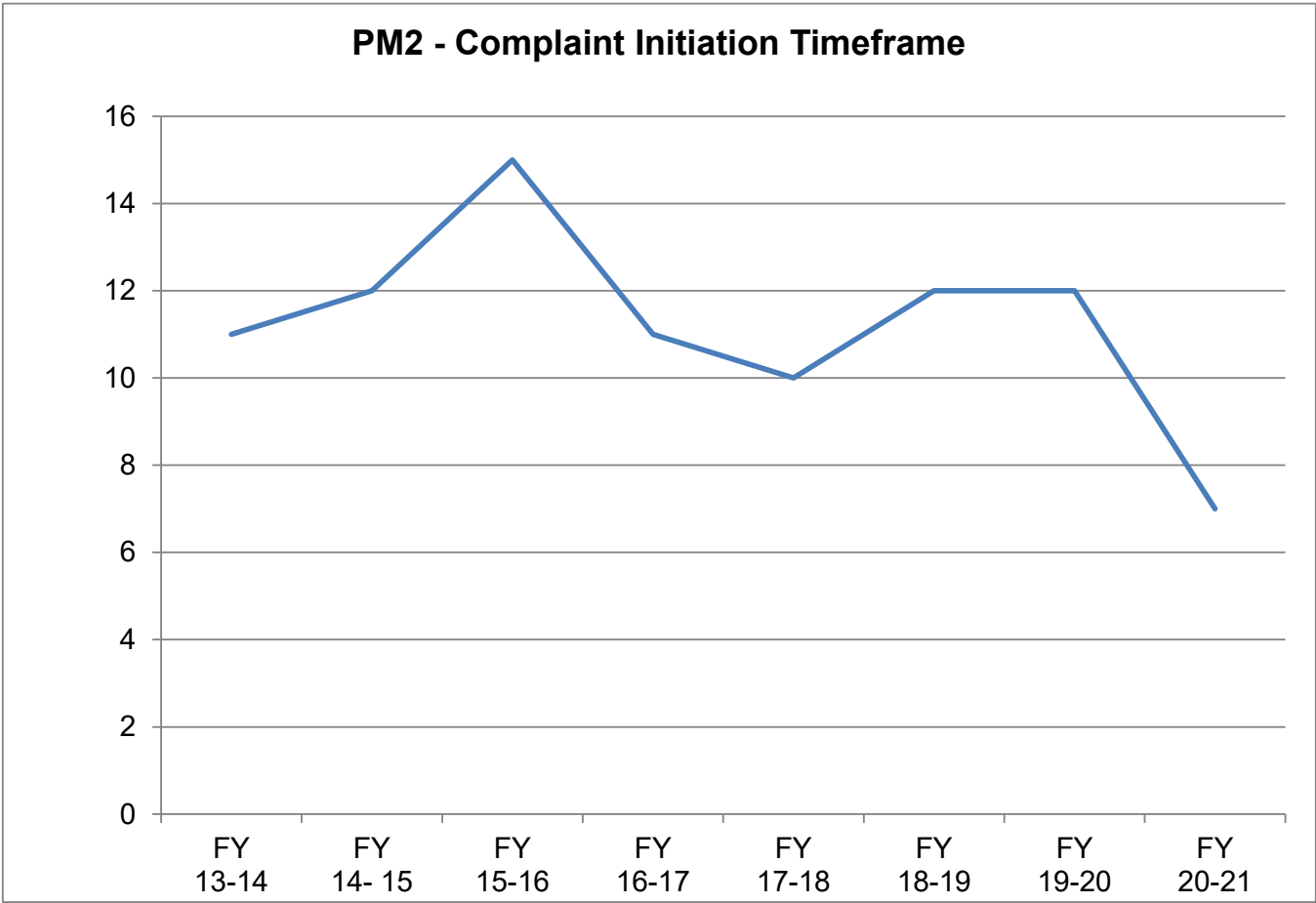
Complete historical Enforcement Performance Measures data can be view on the DCA website at: <https://www.dca.ca.gov/data/enforcement.shtml>.

**Medical Board of California Enforcement Program
PM1 - Complaints Received**



Month	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21
Volume	8325	8490	8885	9862	10817	11565	11155	2535

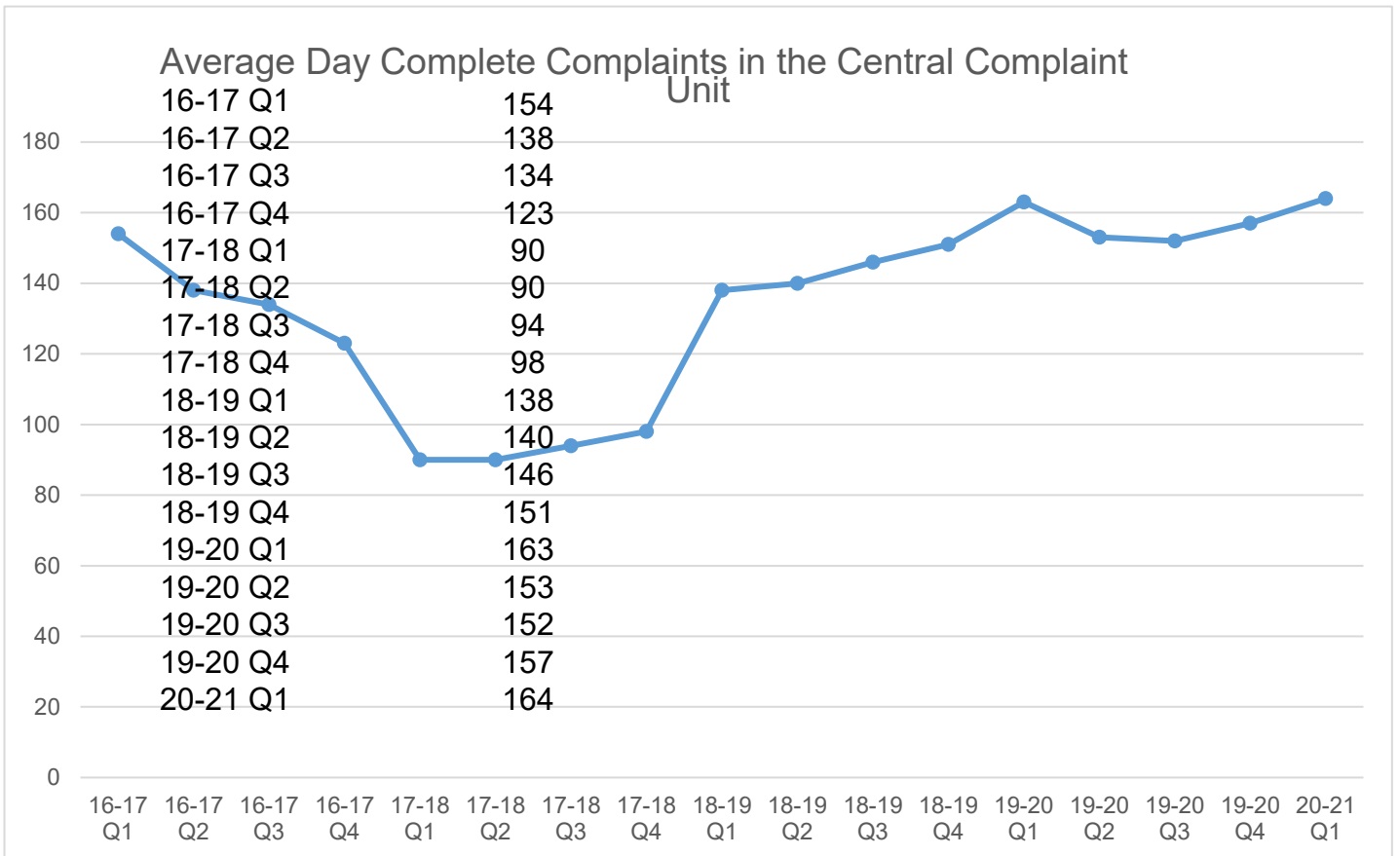
Medical Board of California Enforcement Program
PM2 - Complaint Initiation Timeframe



Month	FY 13-14	FY 14- 15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21
Cycle Time	11	12	15	11	10	12	12	7

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

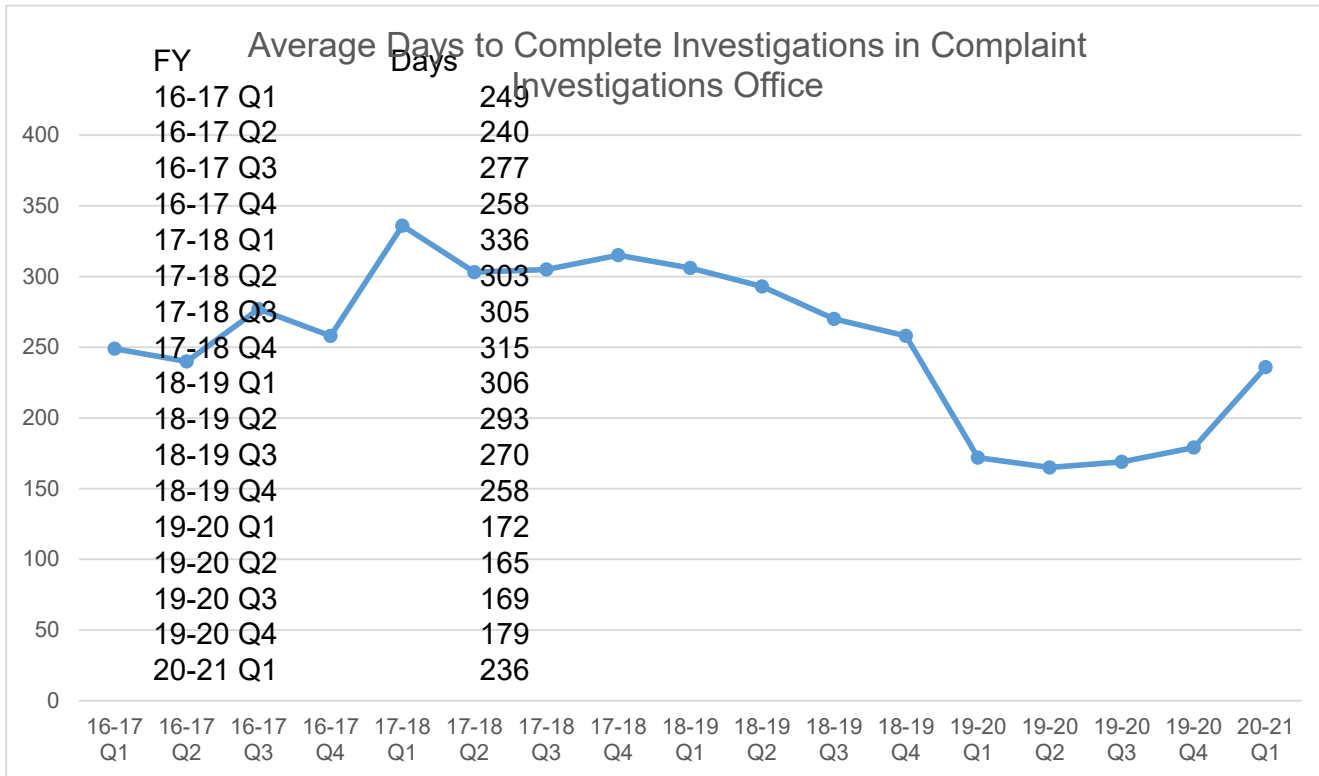
Quarter	Fiscal Year 16-17	Fiscal Year 17-18*	Fiscal Year 18-19	Fiscal Year 19-20	Fiscal Year 20-21
Quarter 1	154	90	138	163	164
Quarter 2	138	90	140	153	
Quarter 3	134	94	146	152	
Quarter 4	123	98	151	157	



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.

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

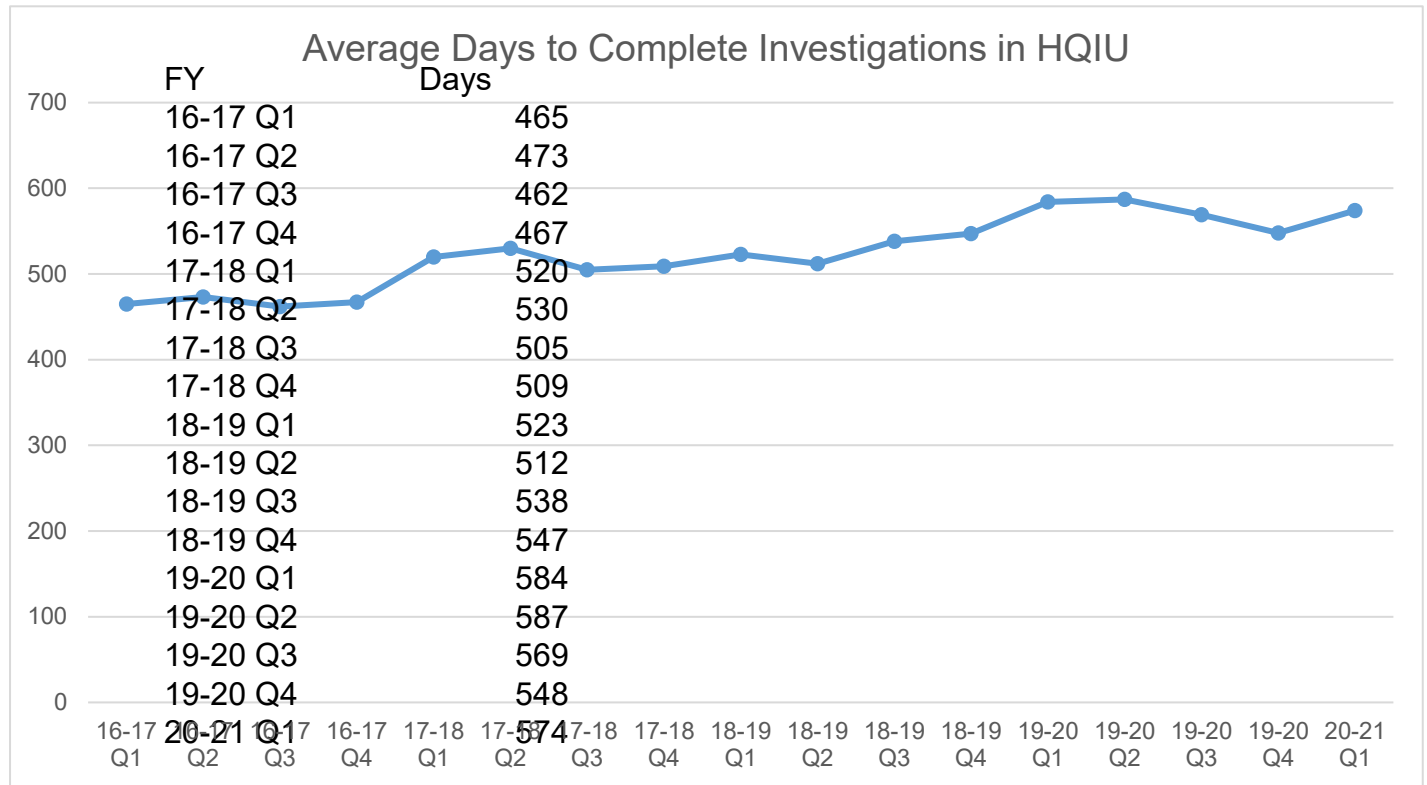
Quarter	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19	Fiscal Year 19-20	Fiscal Year 20-21
Quarter 1	249	336	306	172	236
Quarter 2	240	303	293	165	
Quarter 3	277	305	270	169	
Quarter 4	258	315	258	179	



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.

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

Quarter	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19	Fiscal Year 19-20	Fiscal Year 20-21
Quarter 1	465	520	523	584	574
Quarter 2	473	530	512	587	
Quarter 3	462	505	538	569	
Quarter 4	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 29 days through September 2020. Includes physician and surgeon data only.

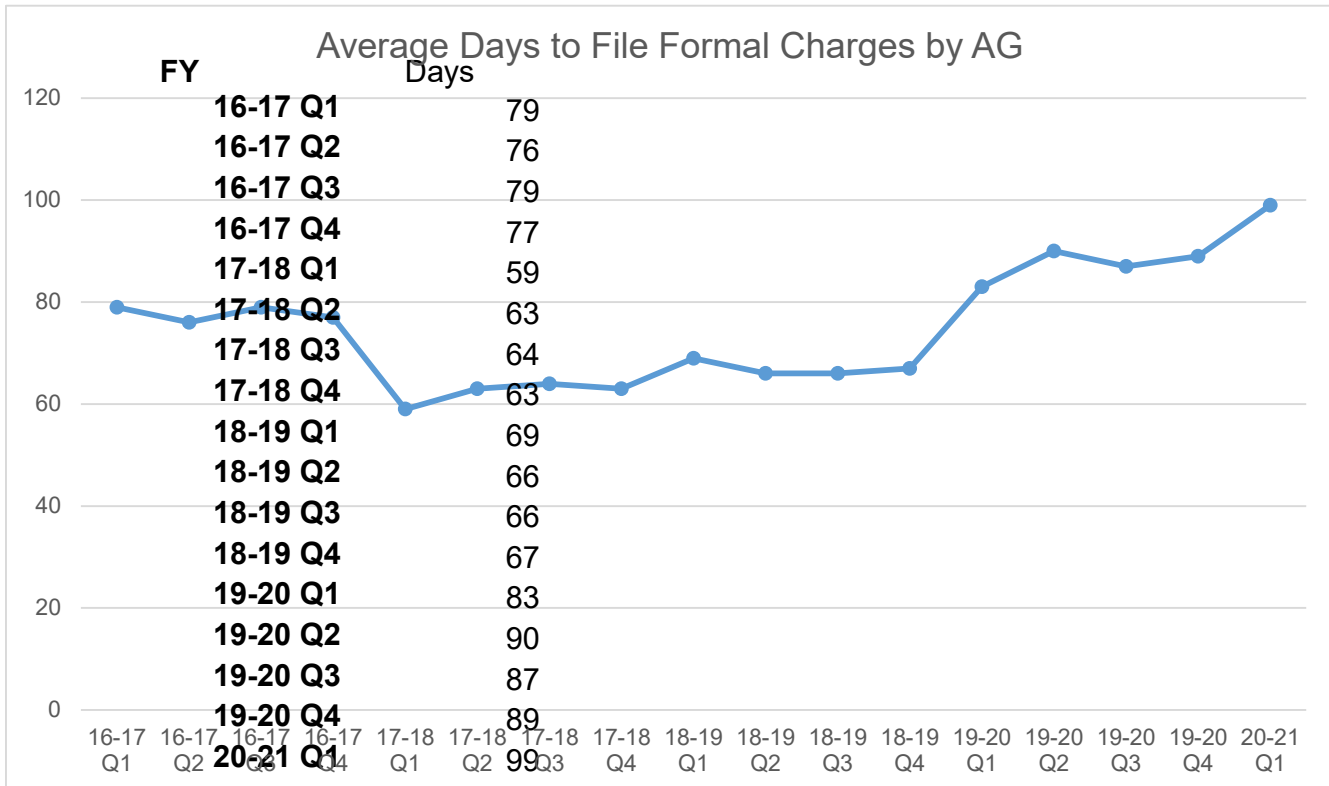
**California Enforcement Program
Average HQIU Investigation Days by Case Type**

Case Type by Fiscal Year	16-17	17-18	18-19	19-20	20-21
Overall	467	509	548	548	574
Gross Negligence/Incompetence	485	549	597	561	560
Inappropriate Prescribing	649	564	548	665	631
Unlicensed Activity	351	450	482	529	614
Sexual Misconduct	425	493	494	426	556
Mental/Physical Illness	373	399	460	481	450
Self-Abuse of Drugs/Alcohol	351	528	413	417	297
Fraud	492	328	661	469	644
Conviction of a Crime	455	396	585	528	458
Unprofessional Conduct	435	504	565	492	384

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 29 days through September 2020. 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**

Quarter	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19	Fiscal Year 19-20	Fiscal Year 20-21
Quarter 1	79	59	69	83	99
Quarter 2	76	63	66	90	
Quarter 3	79	64	66	87	
Quarter 4	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.

ENFORCEMENT TIMEFRAMES

Fiscal Year	16-17 Average	16-17 Median	17-18 Average	17-18 Median	18-19 ¹ Average	18-19 ¹ Median	19-20 Average	19-20 Median	20-21 ² Average	20-21 ² Median
COMPLAINT PROCESSING	123	89	98	58	151	122	157	111	164	94
INVESTIGATION PROCESSING - MBC - CIO (Complaint Investigation Office)	258	203	316	251	258	127	179	133	236	171
INVESTIGATION PROCESSING - HQIU (Health Quality Investigation Unit)	467	431	510	483	547	502	548	517	574	550
TOTAL MBC & HQIU DAYS	141	104	119	68	179	141	171	127	184	114
TOTAL MBC & HQIU YEARS	0.39	0.28	0.33	0.19	0.49	0.39	0.47	0.35	0.50	0.31
AG PREP - Attorney General Preparation for Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues	77	62	63	51	67	55	89	70	99	72
POST - Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues	455	368	322	285	333	311	369	345	347	341
ACCUSATION DECLINED BY AG	25	14	114	19	53	32	48	29	49	30
TOTAL AG DAYS	473	328	327	286	339	312	374	354	419	428
TOTAL AG YEARS	1.30	0.90	0.90	0.78	0.93	0.85	1.02	0.97	1.15	1.17
TOTAL MBC & AG DAYS	1034	1040	926	939	1016	1057	1090	1110	1024	1102
TOTAL MBC & AG YEARS	2.83	2.85	2.54	2.57	2.78	2.90	2.99	3.04	2.81	3.02

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 9/30/20.

Includes physician and surgeon data only.

Pending Enforcement Caseload Summary¹										
	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	1,279	650	504	235	159	4	0	0	0	2,831
Complaint Investigation Unit	46	39	48	43	92	9	0	0	0	277
Health Quality Investigation Unit	207	177	217	195	727	177	1	2	0	1,703
Citation and Fine Desk	32	31	100	23	20	1	2	1	1	211
Out-of-State Desk	69	12	4	2	0	0	0	0	0	87
AG Services²	20	16	17	5	5	1	0	0	0	64
AG-Pre³	153	79	42	29	47	24	1	1	0	376
AG-Post⁴	88	77	83	43	81	19	7	0	2	400
Probation Monitoring	30	40	43	46	162	126	105	39	92	683
Total by Age	1,924	1,121	1,058	621	1,293	361	116	43	95	6,632

¹ Includes physician and surgeon data only.

² AG Services includes petitions to compel, subpoena enforcement, and referrals for citation appeals.

³ AG-Pre includes cases transmitted to the AG but the Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues is not yet filed.

⁴ AG-Post includes Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues that have been filed.



MEDICAL BOARD OF CALIFORNIA

Protecting consumers by advancing high quality, safe medical care.

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Gavin Newsom, Governor, State of California | Business, Consumer Services and Housing Agency | Department of Consumer Affairs

MEMORANDUM

Date: October 22, 2020

To: William Prasifka, Executive Director

From: Jenna Jones, Chief of Enforcement

Subject: Revision in Enforcement Program Statistics for November 2020 Board meeting

During the recent transition of reporting tools for the Board meetings, a revised chart was created and is titled "Enforcement Timeframes."

ISB asked that we note the "Total AG Days" in this chart for FY20/21 has increased significantly over the number of days reported in FY19/20 and previous years. The November 2020 report reads as follows:

FY16/17	FY17/18	FY18/19	FY19/20	FY20/21
Avg/Median				
473/328	327/286	339/312	374/354	419/428

The prior reporting, through FY19/20, measures a time period which starts when the accusation is filed, not when the case is transmitted to the Attorney General's office. If the numbers were reported using this same methodology, the figures for FY20/21 thus far, would be:

FY20/21 Average 350 Median 351

It was determined that to give a more accurate measure of the timeframe the case spent at the Attorney General's office, the measure should begin when the case is transmitted to the Attorney General's office. The figures reported in the chart for the Board's November 2020 meeting for FY20/21 are measured from the time the case is transmitted to the Attorney General's office through resolution of the matter.

ISB has made the appropriate modifications in their reporting and will continue to calculate the timeframe beginning with transmittal of the case to the Attorney General's office through resolution of the matter for future reporting.

If you have any questions or concerns, please contact me at (916) 263-2597. Thank you.

Cc: Reji Varghese, Deputy Director