

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: February 4, 2021
 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 622 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 fall 2020 Newsletter:

- Psychologists
- Clinical Diagnostic Examiners
- Physical and Mental Examiners

Due to COVID-19, expert reviewer training was conducted via WebEx on January 23, 2021. Approximately 50 potential experts attended the all-day training that included presentations from an HQIU Investigator, the Attorney General's Office, a defense attorney, and an Administrative Law Judge. Topics centered around the expert review process and what to expect if they serve in an expert capacity.

Central Complaint Unit:

The average number of days to initiate a complaint in the Central Complaint Unit (CCU) is six (6) days for FY 2020-2021, which is within the timeframe mandated by Business and Professions Code section 129(b). This is down from the average of 12 days in FY2019-2020. The average days to complete the processing of a complaint in CCU is 137 days for the second quarter of FY2020-2021, down from 164 days in the first quarter. CCU continues to work diligently to reduce the aging of all case types. In the past year, the total number of pending complaints decreased by more than 50% and the number of complaints over 1 year decreased by more than 80%.

CCU currently has one vacant part-time Management Services Technician (MST) position, two vacant Staff Services Analyst (SSA) positions (one full-time and one part-time) due to promotions in place, and one vacant Associate Governmental Program Analyst (AGPA) position, due to an employee leaving the Board for a promotional opportunity with another DCA Board. The SSA and AGPA positions were advertised.

Interviews for the part-time MST position were conducted and a tentative offer was made, pending hiring clearances.

Most staff are teleworking due to COVID-19. CCU continues to use scanning and uploaded of newly received complaints to assist teleworking and reduce paper usage. Analysts working complaints are scanning and attaching copies of requests for information needed to process complaints.

The medical consultant program analysts are up to date on assignments for new cases and are able to timely address 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 received death certificate data reported during the 2019 calendar year from the California Department of Public Health. The data will be reviewed as part of the Prescription Reviewer Program (formerly known as the Board's Death Certificate Project) to identify physicians who may be inappropriately prescribing opioids to their patients. The Board understands that just because a patient death occurred it does not automatically mean the physician deviated from the standard of care or violated the Medical Practice Act.

Complaint Investigation Office:

The Complaint Investigation Office (CIO) of non-sworn investigators currently have a caseload of approximately 38 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 20 cases are still being processed. Since the last enforcement summary, CIO has closed 65 cases and has transmitted 21 cases to the Attorney General's Office (AGO). Of the transmittals for administrative action, seven were criminal conviction cases, seven were malpractice cases, seven were vaccination exemption case, and four were petitions for reinstatement of licensure. The CIO also referred four cases to the Board's Citation and Fine Program, and five cases for a Public Letter of Reprimand.

All CIO staff are continuing to telework and conduct interviews telephonically but will also be utilizing MS Teams for interviews when possible.

Discipline Coordination Unit:

The Discipline Coordination Unit (DCU) currently has two vacant Associate Governmental Program analyst positions. Management has begun the recruitment process for both positions and expects to conduct interviews in February 2021.

Management and staff within DCU continue to work on updates to the procedure manual and necessary documents, while also working to file administrative actions timely.

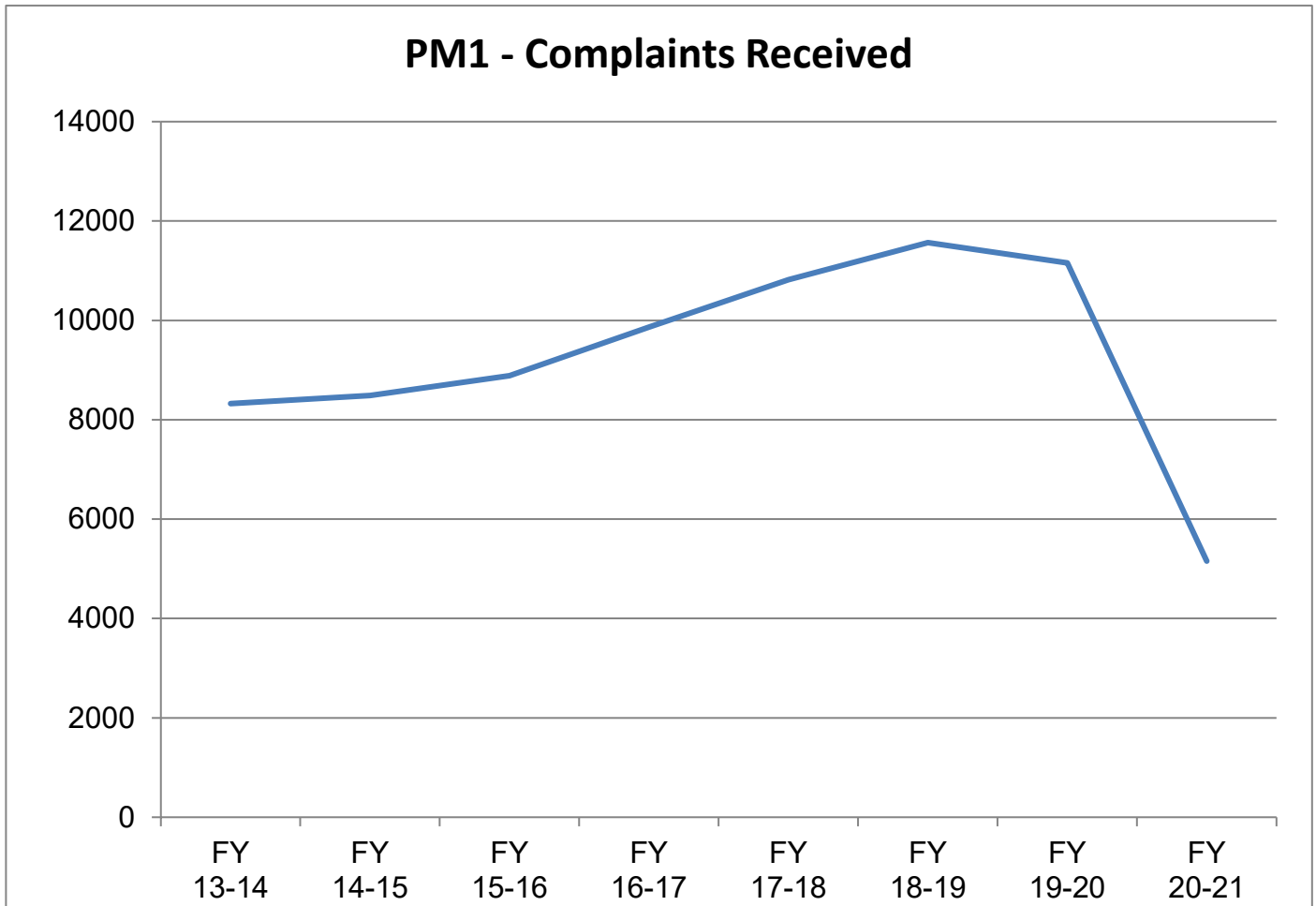
Probation Unit:

The Probation Unit currently has one vacant Inspector position in Southern California. This position required readvertisement following the selected candidate's denial of the offer of employment. The final filing date passed, and interviews were scheduled for January 20, 2021. Management anticipates having the position filled by the beginning of March, pending fingerprint clearance and medical evaluation.

Management is currently working with ISB to update content on the Board's web site, including creation of a page dedicated to probation. This page will provide information to consumers and licensees regarding probation, as well as give probationers online access to forms needed to remain in compliance with the terms and conditions of probation. Management has also completed updates to template letters and forms used by probation staff and probationers.

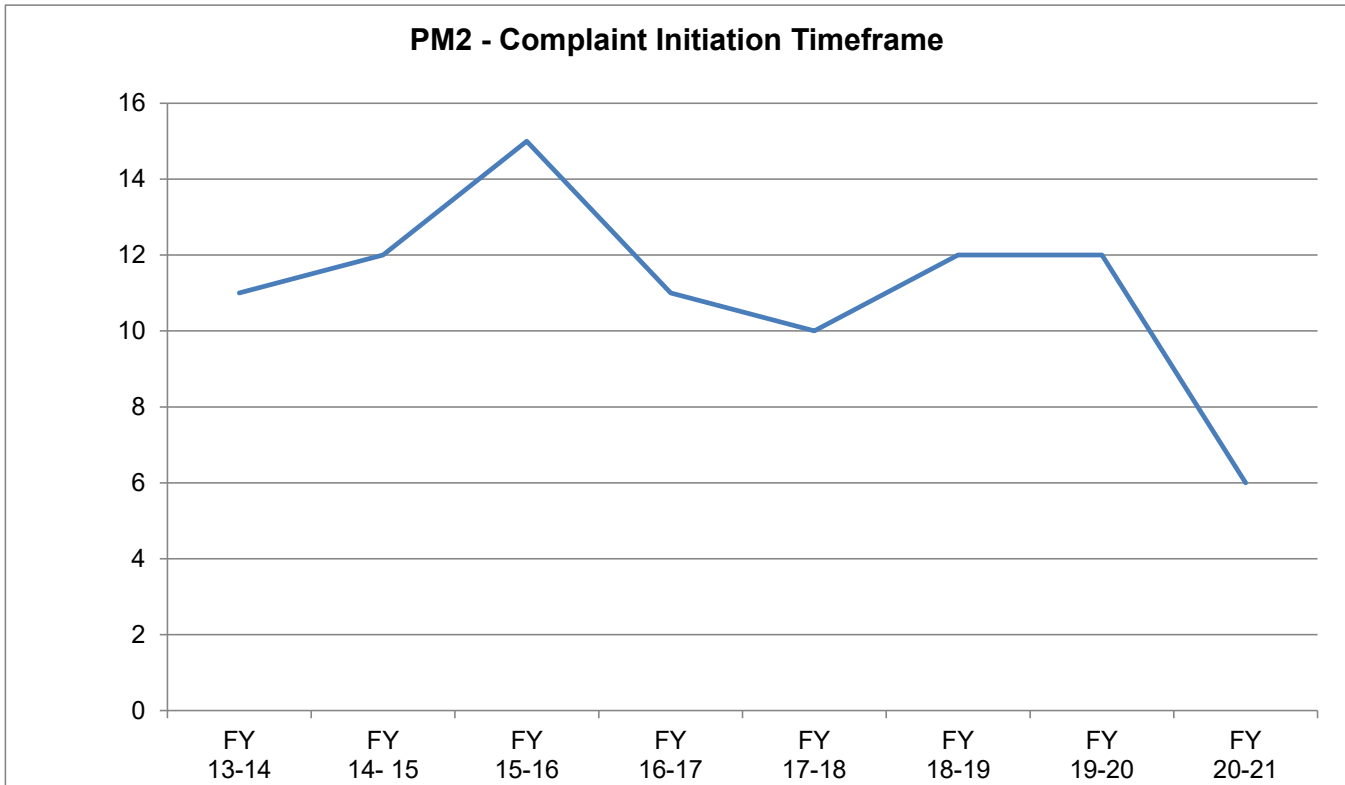
Probation Inspectors continue to telework and recently received training in order to conduct interviews utilizing MS Teams.

**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	5155

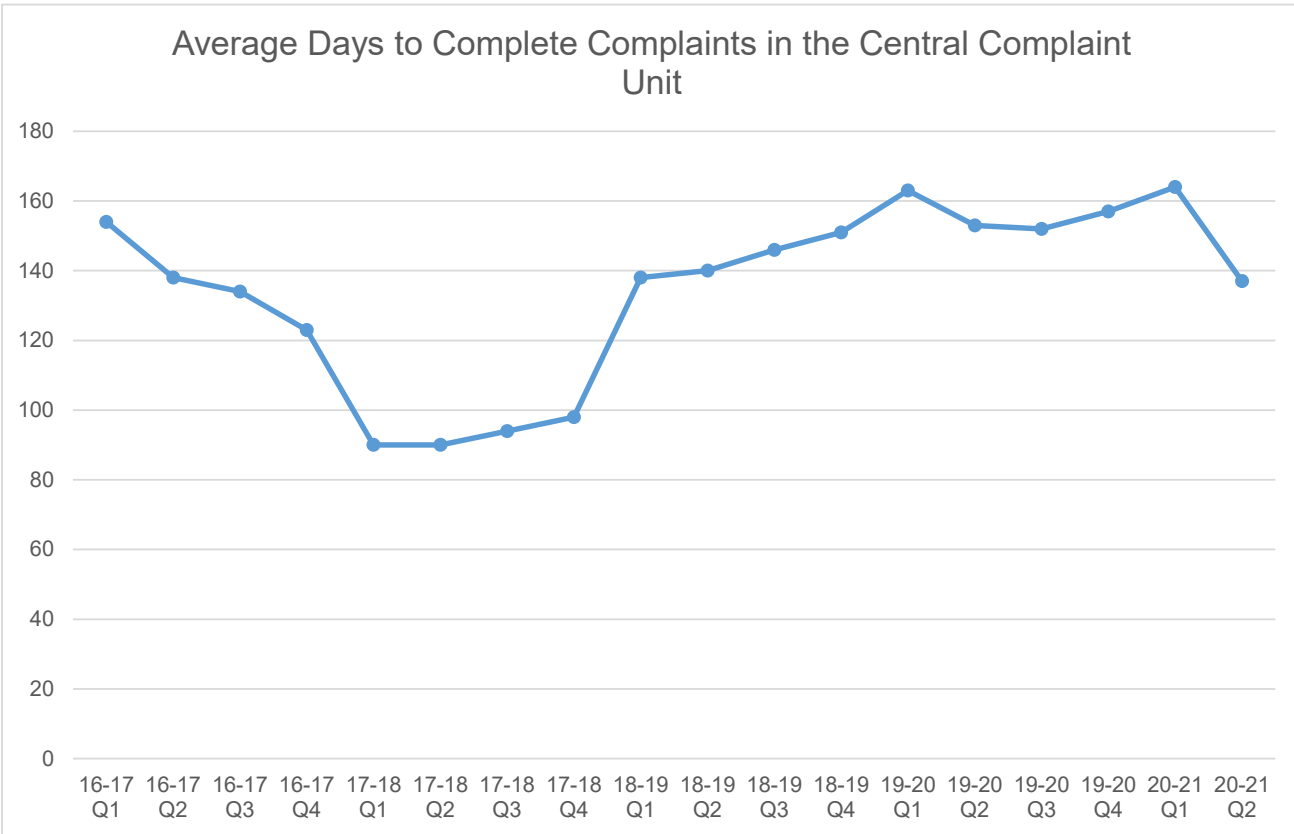
**Medical Board of California Enforcement Program
PM2 - Complaint Initiation Timeframe**



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	6

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

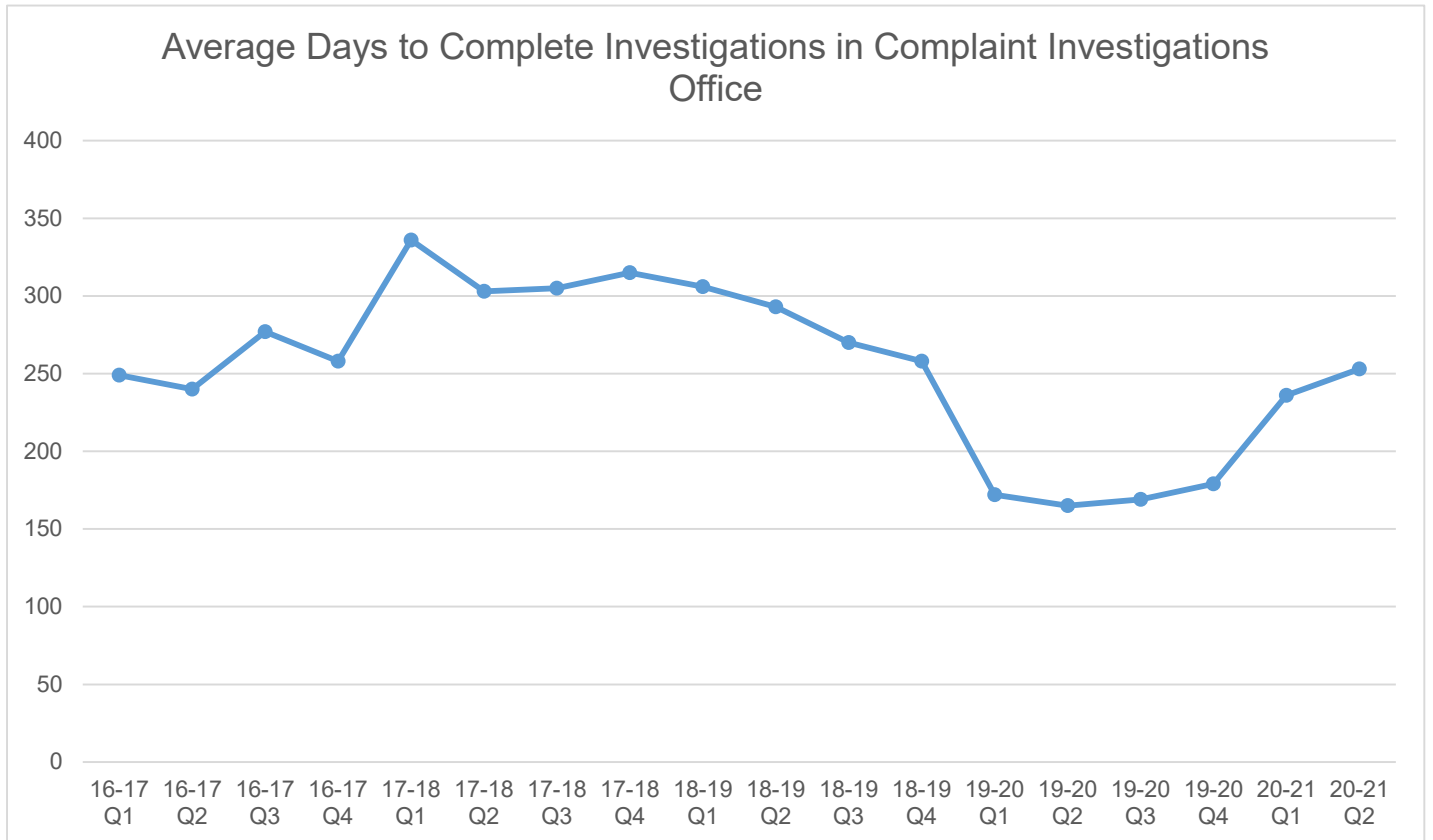
Quarter	Fiscal Year 16-17	Fiscal Year 17-18*	Fiscal Year 18-19	Fiscal Year 19-20	Fiscal Year 20-21
Quarter 1	154	90	138	163	164
Quarter 2	138	90	140	153	137
Quarter 3	134	94	146	152	
Quarter 4	123	98	151	157	



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**

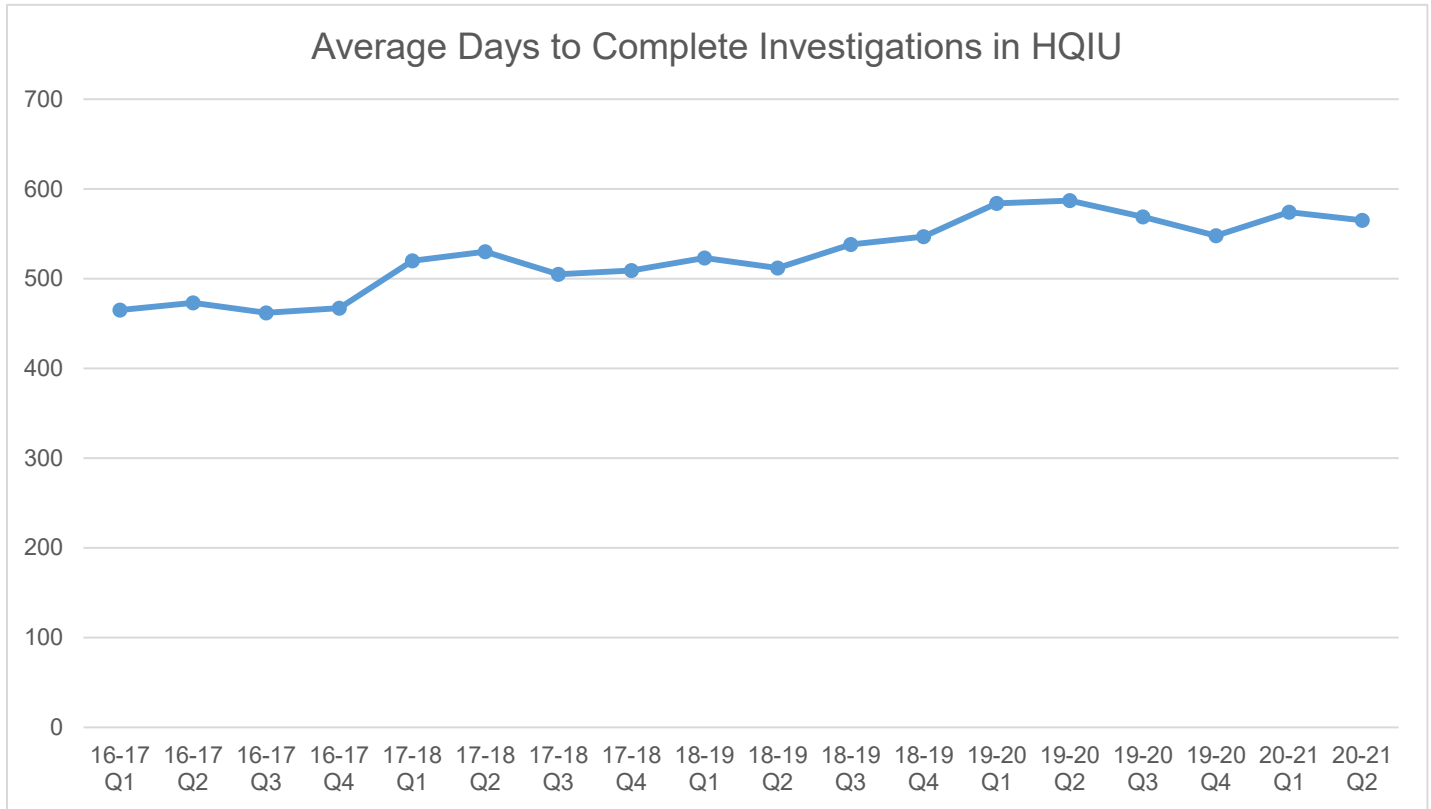
Quarter	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19	Fiscal Year 19-20	Fiscal Year 20-21
Quarter 1	249	336	306	172	236
Quarter 2	240	303	293	165	253
Quarter 3	277	305	270	169	
Quarter 4	258	315	258	179	



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	565
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 22 days through December 2020. Includes physician and surgeon data only.

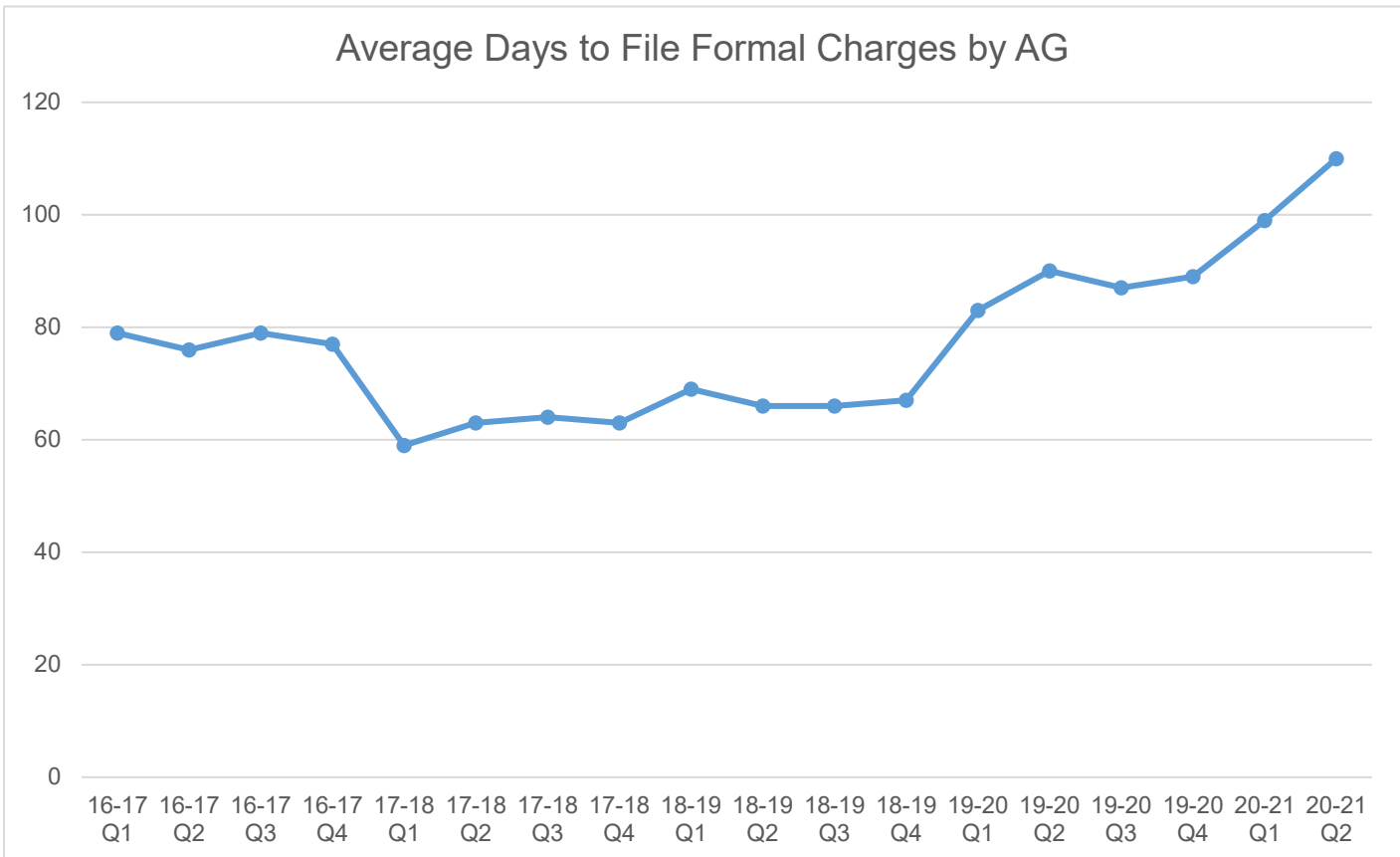
**California Enforcement Program
Average HQIU Investigation Days by Case Type**

Case Type by Fiscal Year	16-17	17-18	18-19	19-20	20-21
Overall	467	509	548	548	565
Gross Negligence/Incompetence	485	549	597	561	539
Inappropriate Prescribing	649	564	548	665	628
Unlicensed Activity	351	450	482	529	647
Sexual Misconduct	425	493	494	426	491
Mental/Physical Illness	373	399	460	481	456
Self-Abuse of Drugs/Alcohol	351	528	413	417	476
Fraud	492	328	661	469	559
Conviction of a Crime	455	396	585	528	457
Unprofessional Conduct	435	504	565	492	444

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**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	110
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	137	67
INVESTIGATION PROCESSING - MBC - CIO (Complaint Investigation Office)	258	203	316	251	258	127	179	133	253	198
INVESTIGATION PROCESSING - HQIU (Health Quality Investigation Unit)	467	431	510	483	547	502	548	517	565	548
TOTAL MBC & HQIU DAYS	141	104	119	68	179	141	171	127	153	82
TOTAL MBC & HQIU YEARS	0.39	0.28	0.33	0.19	0.49	0.39	0.47	0.35	0.42	0.22
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	110	84
POST - Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues	455	368	322	285	333	311	369	345	352	337
ACCUSATION DECLINED BY AG	25	14	114	19	53	32	48	29	45	30
TOTAL AG DAYS	473	328	327	286	339	312	374	354	438	434
TOTAL AG YEARS	1.30	0.90	0.90	0.78	0.93	0.85	1.02	0.97	1.20	1.19
TOTAL MBC & AG DAYS	1034	1040	926	939	1016	1057	1090	1110	1104	1175
TOTAL MBC & AG YEARS	2.83	2.85	2.54	2.57	2.78	2.90	2.99	3.04	3.02	3.22

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 12/31/20.

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	Q1 Data	Variance	% Variance
Central Complaint Unit	935	630	425	283	97	5	0	0	0	2,375	2,831	(456)	-16.11
Complaint Investigation Unit	33	31	32	48	93	10	0	0	0	247	277	(30)	-10.83
Health Quality Investigation Unit	231	202	175	208	715	208	2	1	0	1,742	1,703	39	2.29
Citation and Fine Desk	22	28	29	104	33	1	1	0	0	218	211	7	3.32
Out-of-State Desk	53	33	6	2	1	0	0	0	0	95	87	8	9.20
AG Services²	11	13	15	4	6	1	0	0	0	50	64	(14)	-21.88
AG-Pre³	111	83	41	32	44	25	1	2	0	339	376	(37)	-9.84
AG-Post⁴	99	79	57	71	73	24	7	1	2	413	400	13	3.25
Probation Monitoring	31	32	37	44	165	131	95	56	82	673	683	(10)	-1.46
Total by Age	1,526	1,131	817	796	1,227	405	106	60	84	6,152	6,632	(480)	-7.24

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.