

## MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: August 10, 2023  
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 723 active experts in the Board's expert database. Expert program continued to utilize a recently updated report, to streamline the identification and renewal of expiring contracts, which has returned a higher rate of renewals. Expert program completed the hiring process to backfill a vacant AGPA position, and one on one training for the new analyst is in progress. Expert program analysts routinely process billing submitted by experts and work with HQIU, EPU and Deputy Attorney General staff to aid with the selection of experts for cases assigned to their units. Additionally, marketing materials were modified to increase the recruitment of targeted specialties into the expert reviewer and medical consultant programs. Expert program staff started the process to modernize the expert program training platform and content. The procurement for the necessary software updates, critical to the process is underway. Staff in both programs continually review applications to ensure applicants meet minimum requirements. Once confirmed, staff in the expert reviewer and medical consultant programs, will initiate contracts to utilize the services of the new expert reviewers and medical consultants. The next expert reviewer training is scheduled via WebEx on October 7th, 2023.

Central Complaint Unit:

The average number of days to initiate a complaint in the Central Complaint Unit (CCU) is 5 for the fourth quarter of FY 2022-2023, which is 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 112 days. CCU staff and management continue to work diligently to ensure communication with consumers is sent at various milestones throughout the complaint process, review new complaints in a timely manner, send out requests for necessary information in a timely manner, and reduce the overall aging of all complaint types.

CCU currently has two full-time and one part-time Management Service Technician (MST) vacancies and one vacant Associate Governmental Program Analyst (AGPA) position. Since the May 2023 meeting, CCU filled the vacant SSA position and an employee who previously retired, returned to their AGPA position. The full-time MST positions were readvertised, interviews were conducted for the vacant AGPA and MST

positions. Management is working with human resources to finalize pending hiring clearances for the two full-time MST and AGPA position. The part-time MST position is pending job posting.

The medical consultant program continued to utilize a recently updated report, to streamline the identification and renewal of expiring contracts, which has returned a higher rate of renewals. Medical consultant program staff 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. Staff in both programs continually review applications to ensure applicants meet minimum requirements. Once confirmed, staff in the expert reviewer and medical consultant programs, will initiate contracts to utilize the services of the new expert reviewers and medical consultants. Additionally, medical consultant program analysts have started the process to create and implement a medical consultant training curriculum, similar to expert program.

#### Complaint Investigation Office:

These findings are for physician and surgeon cases for the date range of 4/1/2023 through 6/30/2023.

As of 7/1/2023, the Complaint Investigation Office (CIO) non-sworn special investigators currently has a unit caseload of 230 cases which breaks down into approximately 35 cases each. In order to determine the average, we excluded Rashya's position and counted Lauren Nickel as 1/2 position; resulting in 6.5 total positions.

Since the last enforcement summary, CIO has closed 43 cases and transmitted 14 cases to the Attorney General's Office – 5 criminal conviction cases, 6 malpractice cases, 2 vaccination exemption cases, 1 fraud case, and 1 petition for reinstatement. Additionally, the CIO referred 2 cases to the Board's Cite and Fine Program and 2 cases for a PLR.

#### Discipline Coordination Unit:

The Discipline Coordination Unit (DCU) currently has three vacancies, one Associate Governmental Program Analyst (AGPA) position, one Management Services Technician, and one Office Technician (OT) position.

DCU management worked diligently to successfully fill the vacant AGPA positions mentioned in the last enforcement summary. One internal candidate accepted one position effective May 1, 2023, resulting in the remaining vacant AGPA position. One new employee reported to work on June 7, 2023, one began July 3, 2023, and the final individual reported to work on July 11, 2023. Training for all is underway.

Advertisement of the MST and OT positions will occur following approval of revised duty statements.

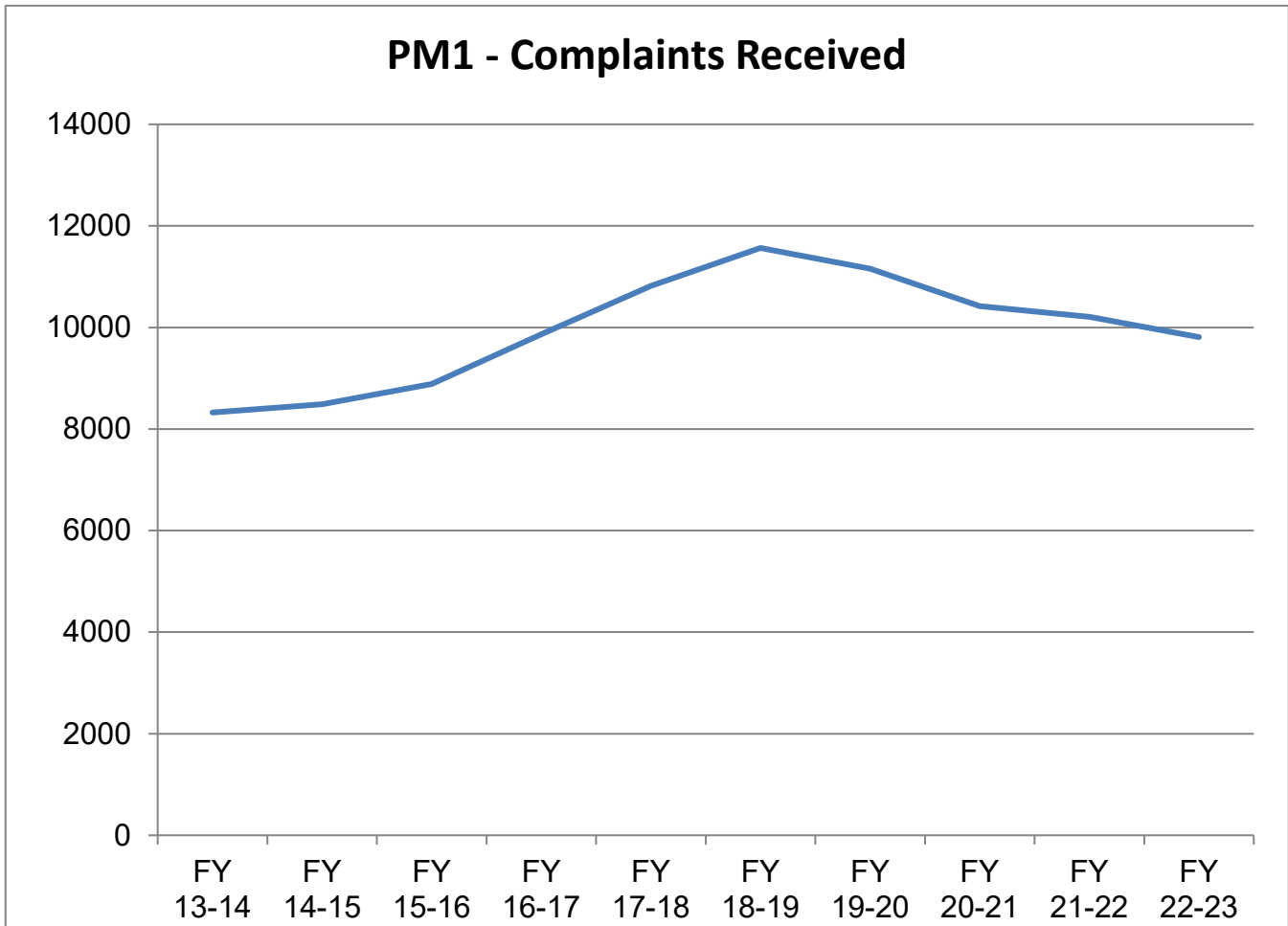
Management and staff in DCU continue to work to identify and implement needed process improvements and procedure manual updates, while simultaneously ensuring timely processing of disciplinary actions.

Probation Unit:

The Probation Unit currently has two vacant Inspector positions, one in Fresno and one in San Dimas (redirected from Tustin). Management continues their efforts to find eligible candidates for these positions but have been unsuccessful thus far. Interviews for the Fresno position will be held in August. The position in San Dimas remains advertised and Probation management intends to review applications in August.

During this quarter, three Petitions to Revoke Probation and seven Accusations/Petitions to Revoke Probation have been transmitted to the Attorney General's Office. Three Petitions to Revoke Probation have been filed and four Accusations/Petitions to Revoke Probation have been filed.

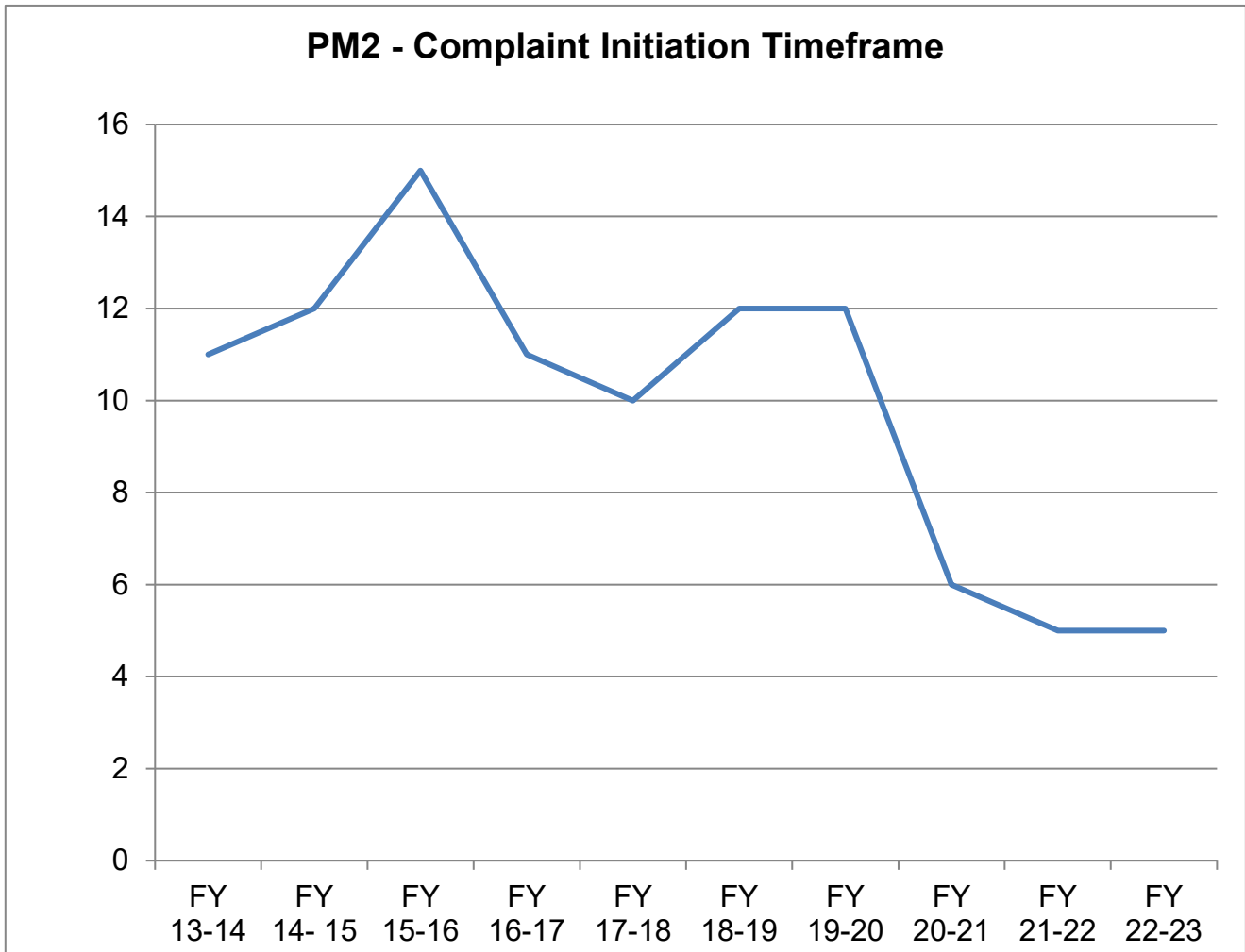
**Medical Board of California Enforcement Program  
PM1 - Complaints Received**



<b>Month</b>	<b>FY 13-14</b>	<b>FY 14-15</b>	<b>FY 15-16</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>FY 22-23</b>
<b>Volume</b>	8325	8490	8885	9862	10817	11565	11155	10418	10209	9812

This chart displays the number of complaints received for all license types under the Medical Board (Licensed Midwife, Physician's and Surgeon's, Research Psychoanalyst, Fictitious Name Permit, Special Programs – Individual, Special Programs – Organization, Special Faculty Permit, Polysomnographic, BPC 853 Pilot Program Physician, Postgraduate Training License, and Medical Expert). When reporting Performance Measures data, the inclusion of all license types under the Medical Board is mandated by DCA. FY 22-23 figures are for date range July 1, 2022 through June 30, 2023.

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

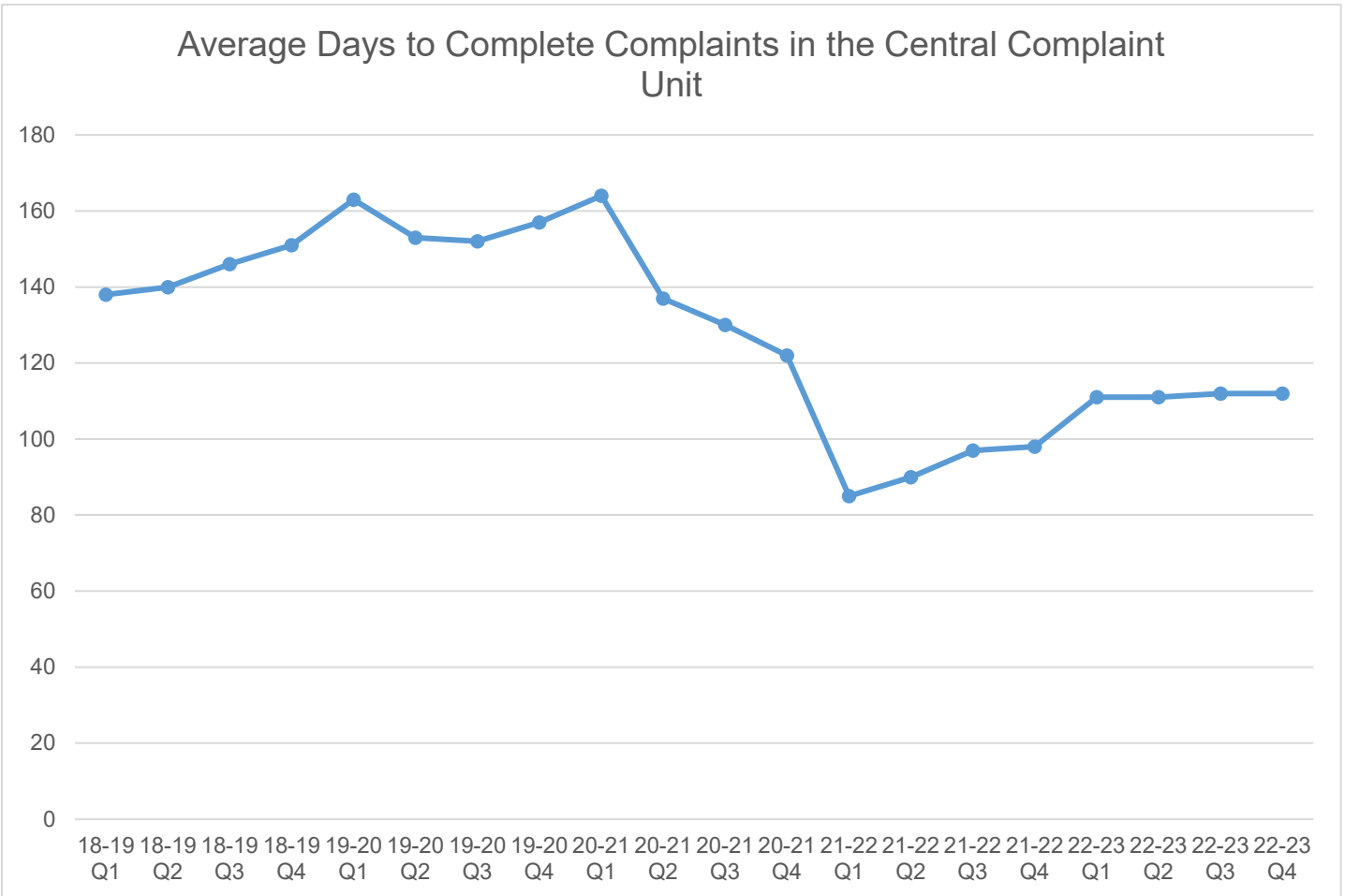


Month	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23
<b>Cycle Time</b>	11	12	15	11	10	12	12	6	5	5

This chart displays the average number of days to open/process a complaint received for all license types under the Medical Board (Licensed Midwife, Physician's and Surgeon's, Research Psychoanalyst, Fictitious Name Permit, Special Programs – Individual, Special Programs – Organization, Special Faculty Permit, Polysomnographic, BPC 853 Pilot Program Physician, Postgraduate Training License, and Medical Expert). When reporting Performance Measures data, the inclusion of all license types under the Medical Board is mandated by DCA. FY 22-23 figures are for date range July 1, 2022 through June 30,

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

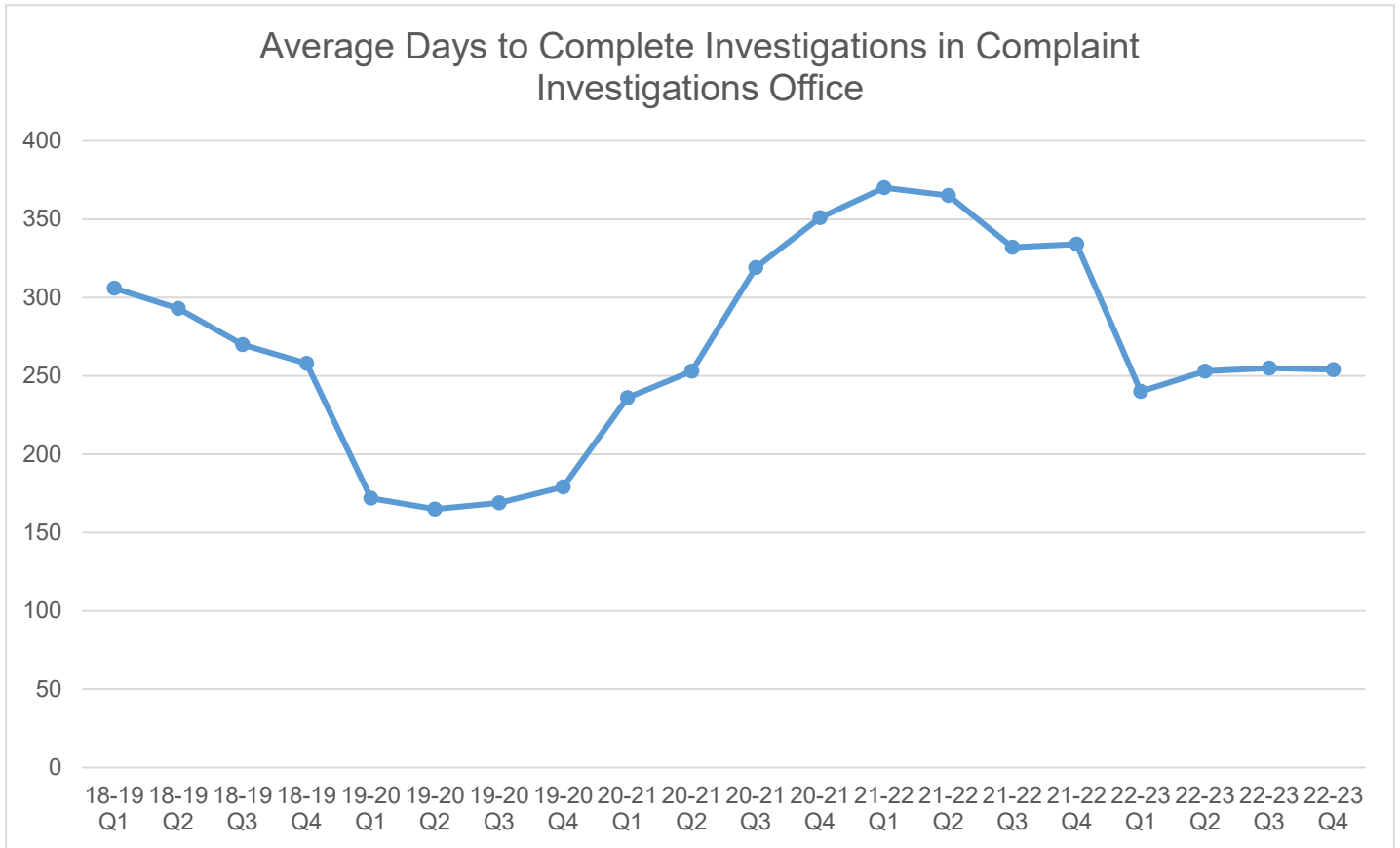
<b>Quarter</b>	<b>Fiscal Year 18-19</b>	<b>Fiscal Year 19-20</b>	<b>Fiscal Year 20-21</b>	<b>Fiscal Year 21-22</b>	<b>Fiscal Year 22-23</b>
Quarter 1	138	163	164	85	111
Quarter 2	140	153	137	90	111
Quarter 3	146	152	130	97	112
Quarter 4	151	157	122	98	112



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**

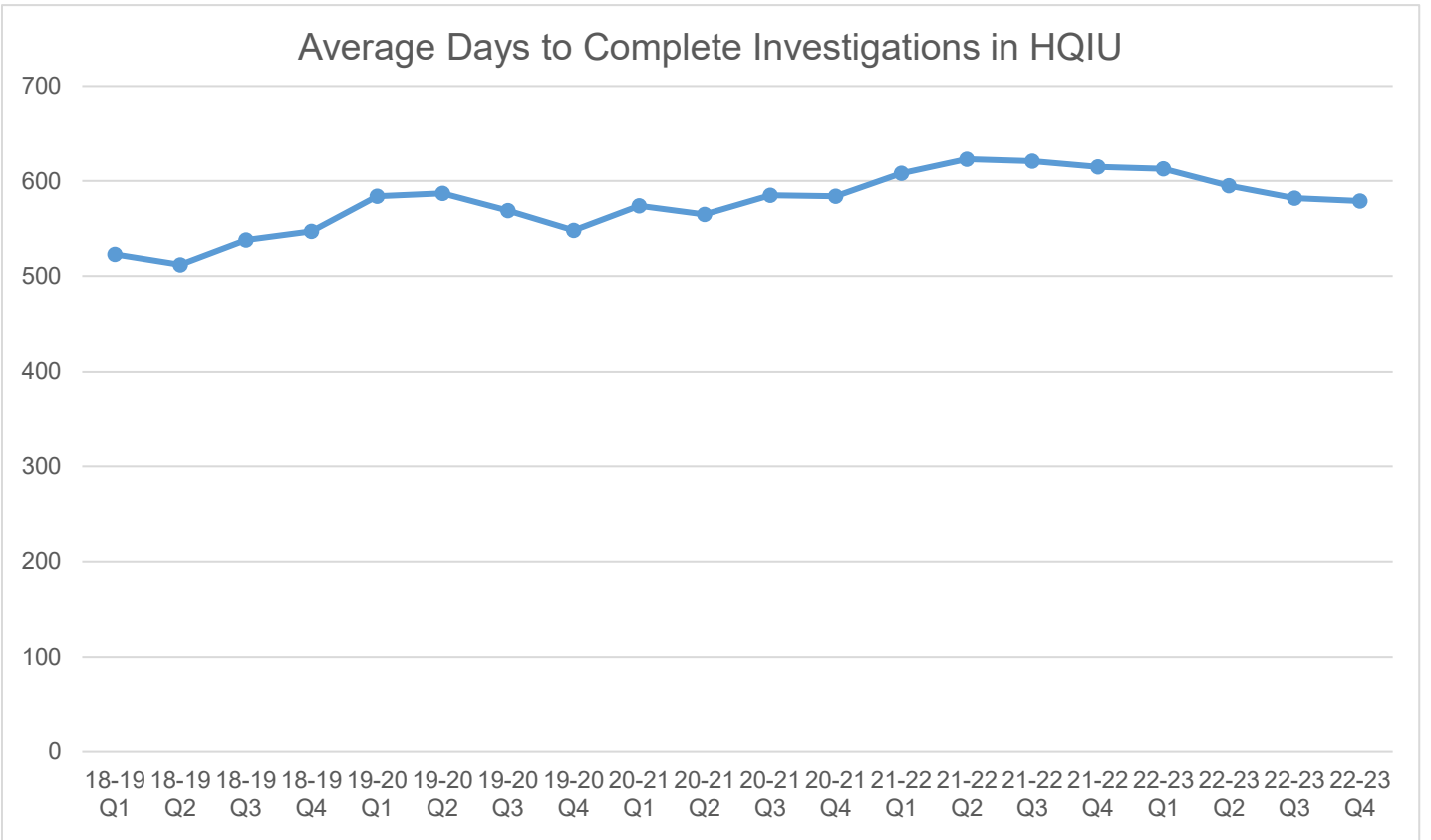
Quarter	Fiscal Year 18-19	Fiscal Year 19-20	Fiscal Year 20-21	Fiscal Year 21-22	Fiscal Year 22-23
Quarter 1	306	172	236	370	240
Quarter 2	293	165	253	365	253
Quarter 3	270	169	319	332	255
Quarter 4	258	179	351	334	254



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 18-19	Fiscal Year 19-20	Fiscal Year 20-21	Fiscal Year 21-22	Fiscal Year 22-23
Quarter 1	523	584	574	608	613
Quarter 2	512	587	565	623	595
Quarter 3	538	569	585	621	582
Quarter 4	547	548	584	615	579



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 16 days through June 2023. Includes physician and surgeon data only.



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

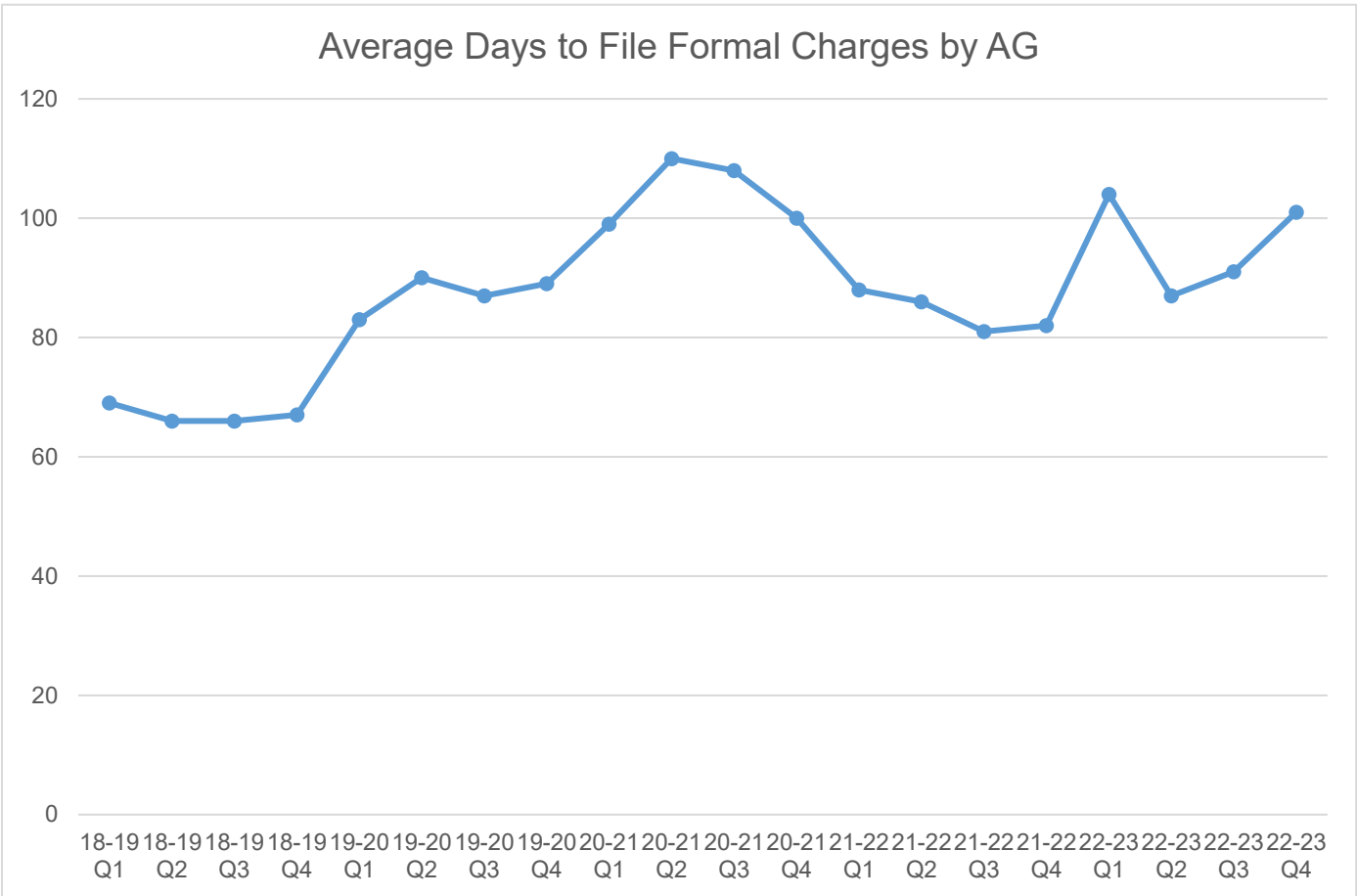
<b>Case Type by Fiscal Year</b>	<b>18-19</b>	<b>19-20</b>	<b>20-21</b>	<b>21-22</b>	<b>22-23</b>
Overall	548	548	584	615	579
Gross Negligence/Incompetence	597	561	588	632	621
Inappropriate Prescribing	548	665	651	714	634
Unlicensed Activity	482	529	659	636	577
Sexual Misconduct	494	426	460	580	490
Mental/Physical Illness	460	481	476	529	486
Self-Abuse of Drugs/Alcohol	413	417	416	445	469
Fraud	661	469	560	419	418
Conviction of a Crime	585	528	444	381	504
Unprofessional Conduct	565	492	483	564	526

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 16 days through June 2023. Includes physician and surgeon data only.

Agenda Item 6B

**Medical Board of California Enforcement Program**  
**Average Days to File Administrative Charges Prepared by the**  
**Office of the Attorney General**

Quarter	Fiscal Year 18-19	Fiscal Year 19-20	Fiscal Year 20-21	Fiscal Year 21-22	Fiscal Year 22-23
Quarter 1	69	83	99	88	104
Quarter 2	66	90	110	86	87
Quarter 3	66	87	108	81	91
Quarter 4	67	89	100	82	101



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.

**Pending Enforcement Caseload Summary<sup>1</sup>**

Data Current as of July 24, 2023

	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	Previous Quarter Data	Variance	% Variance
<b>Central Complaint Unit</b>	1,399	727	403	288	311	0	0	0	0	<b>3,128</b>	3,072	56	2%
<b>Complaint Investigation Unit</b>	68	71	49	29	28	3	0	0	0	<b>248</b>	216	32	15%
<b>Health Quality Investigation Unit</b>	177	198	153	166	327	116	1	0	0	<b>1,138</b>	1,180	-42	-4%
<b>Completed Investigations Awaiting Disposition<sup>2</sup></b>	51	4	0	0	0	0	0	0	0	<b>55</b>	20	35	175%
<b>Citation and Fine Desk</b>	17	17	11	19	11	12	2	0	0	<b>89</b>	120	-31	-26%
<b>Out-of-State Desk</b>	58	65	48	61	166	4	0	0	0	<b>402</b>	363	39	11%
<b>AG Services<sup>3</sup></b>	10	24	8	4	3	0	0	0	0	<b>49</b>	53	-4	-8%
<b>AG-Pre<sup>4</sup></b>	84	55	23	32	36	15	4	0	1	<b>250</b>	253	-3	-1%
<b>AG-Post<sup>5</sup></b>	44	66	47	47	91	26	2	2	2	<b>327</b>	351	-24	-7%
<b>Total by Age</b>	<b>1,908</b>	<b>1,227</b>	<b>742</b>	<b>646</b>	<b>973</b>	<b>176</b>	<b>9</b>	<b>2</b>	<b>3</b>	<b>5,686</b>	5,628	58	1%

<sup>1</sup> Includes physician and surgeon data only.

<sup>2</sup> Represents the number of completed investigations returned by HQIU to the Board for review and determination of outcome.

<sup>3</sup> AG Services includes petitions to compel, subpoena enforcement, and referrals for citation appeals.

<sup>4</sup> 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.

<sup>5</sup> AG-Post includes Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues that have been filed.

\* Probation Monitoring caseload removed at the request of the Board.

**ENFORCEMENT TIMEFRAMES**

<b>Fiscal Year</b>	<b>18-19 <sup>1</sup> Average</b>	<b>18-19 <sup>1</sup> Median</b>	<b>19-20 Average</b>	<b>19-20 Median</b>	<b>20-21 Average</b>	<b>20-21 Median</b>	<b>21-22 Average</b>	<b>21-22 Median</b>	<b>22-23 <sup>2</sup> Average</b>	<b>22-23 <sup>2</sup> Median</b>
COMPLAINT PROCESSING	151	122	157	111	122	54	98	55	112	63
INVESTIGATION PROCESSING - MBC - CIO (Complaint Investigation Office)	258	127	179	133	351	283	334	251	254	210
INVESTIGATION PROCESSING - HQIU (Health Quality Investigation Unit)	547	502	548	517	584	585	615	633	579	563
<b>TOTAL MBC &amp; HQIU DAYS</b>	179	141	171	127	143	68	176	81	175	97
<b>TOTAL MBC &amp; HQIU YEARS</b>	0.49	0.39	0.47	0.35	0.39	0.19	0.48	0.22	0.48	0.27
AG PREP - Attorney General Preparation for Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues	67	55	89	70	100	72	82	62	101	81
POST - Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues	333	311	369	345	384	351	388	372	487	432
ACCUSATION DECLINED BY AG	53	32	48	29	45	30	57	36	63	38
<b>TOTAL AG DAYS</b>	339	312	374	354	470	447	478	449	577	514
<b>TOTAL AG YEARS</b>	0.93	0.85	1.02	0.97	1.29	1.22	1.31	1.23	1.58	1.41
<b>TOTAL MBC &amp; AG DAYS</b>	1016	1057	1090	1110	1129	1193	1167	1239	1343	1413
<b>TOTAL MBC &amp; AG YEARS</b>	2.78	2.90	2.99	3.04	3.09	3.27	3.20	3.39	3.68	3.87

Years calculated using 365 days per year

<sup>1</sup> 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).

<sup>2</sup> Data through 06/30/2023.

Includes physician and surgeon data only.

Administrative Outcomes for Physicians and Surgeons by Quarter

Types of Outcomes	FY 22/23				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total
<b>Administrative Outcomes</b>					
License Revoked	7	12	11	6	36
License Surrendered (in Lieu of Accusation or with Accusation Pending)	23	16	30	20	89
License Placed on Probation with Suspension	0	2	0	2	4
License Placed on Probation	39	25	56	28	148
Probationary License Issued	3	5	2	7	17
Public Reprimand	21	20	23	12	76
Other Action	0	0	2	2	4
<b>Referral and Compliance Actions</b>					
Citation and Administrative Fines Issued	27	82	49	37	195

Types of Outcomes	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23
<b>Administrative Outcomes</b>					
License Revoked	60	35	49	36	36
License Surrendered (in Lieu of Accusation or with Accusation Pending)	95	96	125	106	89
License Placed on Probation with Suspension	2	4	4	7	4
License Placed on Probation	158	144	132	156	153
Probationary License Issued	22	22	19	14	17
Public Reprimand	135	108	154	118	76
Other Action	0	0	2	1	4
<b>Referral and Compliance Actions</b>					
Citation and Administrative Fines Issued	158	62	51	122	195