

## MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: May 4, 2024  
 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.

### Central Complaint Unit:

The average number of days to initiate a complaint in the Central Complaint Unit (CCU) is 6 days for the third quarter of FY 2023-2024, 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 123 days.

CCU currently has one Management Service Technician (MST) vacancy. The MST position will be advertised, and management will review applications and conduct interviews. The MST and SSA positions that were reported vacant in February 2024, have been filled. The MST started on May 1<sup>st</sup> and the SSA started on April 16<sup>th</sup>.

### Expert Reviewer and Medical Consultant Program:

There are currently 729 active experts in the Board's expert database. The expert program continued to utilize a recently updated report, designed to streamline the identification and renewal of expiring contracts, resulting in an increased number of renewals. Over the last 90 days, 86 renewal reminders have been sent out and 54 experts have renewed, to continue work as active reviewers. Expert program analysts routinely process billing submitted by experts and work with the Health Quality Investigation Unit (HQUI), Expert Procurement Unit (EPU), and Deputy Attorney General staff, to aid with the selection of experts for cases assigned to their units. Staff continually review expert reviewer and medical consultant applications to ensure applicants meet minimum requirements. Once confirmed, staff will initiate contracts to utilize the services of the new expert reviewers and medical consultants.

The procurement for the new software to implement the online expert training platform has been completed. Development of the new distance learning training platform is underway. The expert reviewer program held a training session via Webex on April 13<sup>th</sup>, 2024. 42 expert reviewers attended the session. The Board plans to offer the next expert reviewer training in August via Webex.

Discipline Coordination Unit:

The Discipline Coordination Unit (DCU) currently has three vacancies, two Associate Governmental Program Analyst (AGPA) positions and one Management Services Technician (MST) position. As reported in the last Enforcement Summary, the MST position was readvertised, and management is awaiting final eligibility determination of the top candidates. Interviews were conducted for one of the previously reported vacant AGPA positions, but no suitable candidate was identified, therefore, the position was readvertised. Management anticipates conducting interviews for this vacancy in May. The remaining AGPA vacancy was filled, however, another AGPA position has since become vacant and is pending job posting.

Probation Unit:

The Probation Unit currently has four vacant positions, one in Sacramento, one in Glendale and two in San Dimas. The new San Dimas vacancy is the result of a retirement. Interviews for the position in Glendale were conducted and a candidate is currently pending final hiring approval. Based on the complexity of the work performed when monitoring a licensee on probation, management has been working with the Board's Human Resources Unit to reclassify the remaining vacant positions from the Inspector II classification to the Associate Governmental Program Analyst classification in order to increase the candidate pool and fill vacancies quicker. The vacancies will then be readvertised.

During the 3rd quarter of FY 2023-2024, 31 licensees were placed on probation, one licensee was placed on probation with suspension, and 2 probationary licenses were issued. Twenty-three licensees successfully completed probation and nine probationers surrendered their license while on probation. As of April 15, 2024, there are 586 licensees currently on probation, both in and out of state. Five Citations were issued for violations of probation. Four Cease Practice Orders were issued for violations of probation. Eight Petitions to Revoke Probation and two Accusations/Petitions to Revoke Probation were transmitted to the Attorney General's Office. Four Petitions to Revoke Probation were filed and six Accusations/Petitions to Revoke Probation were filed.

Complaint Investigation Office:

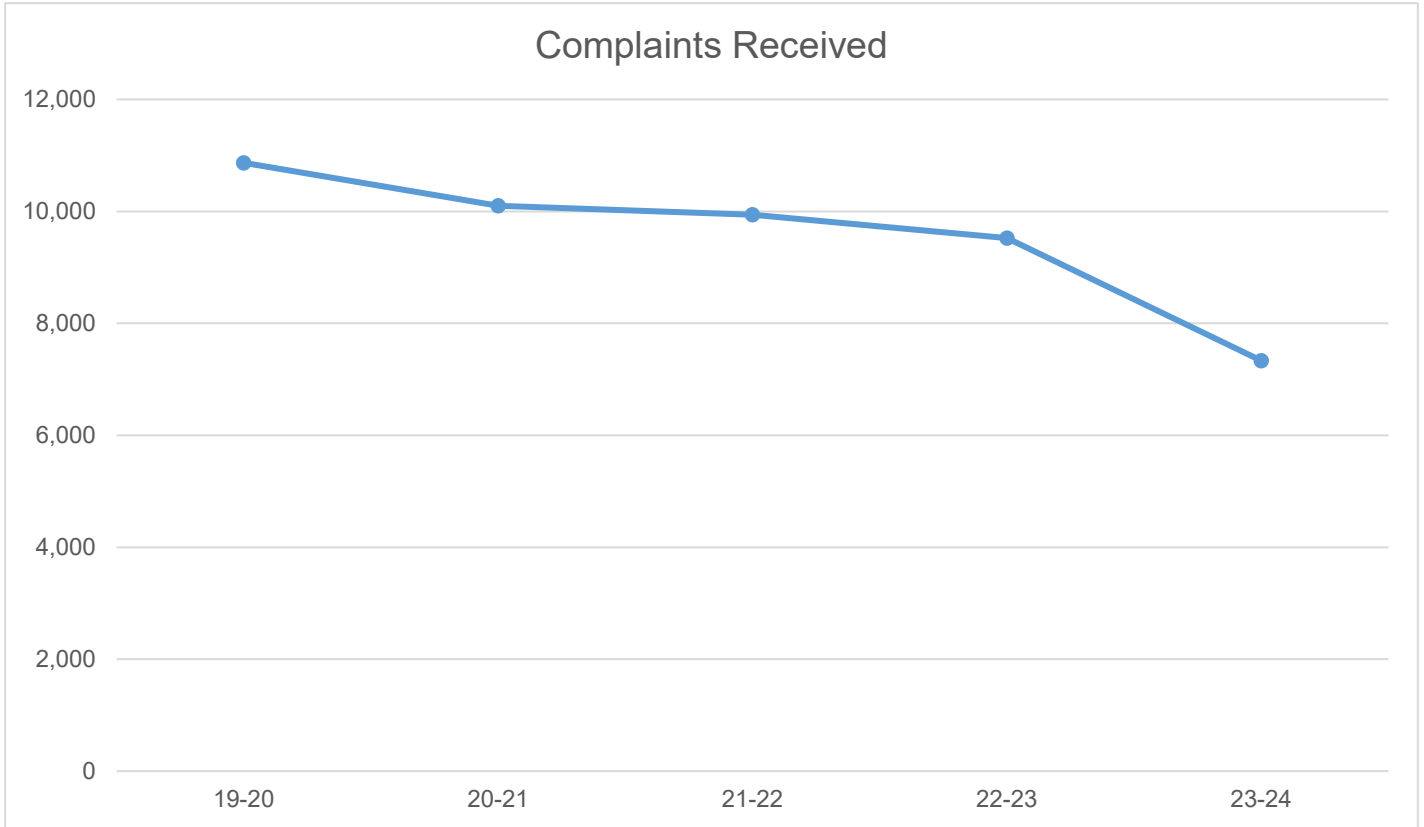
The following findings are for physician and surgeon cases for the third quarter of FY 2023-2024.

As of April 15, 2024 the Complaint Investigation Office (CIO) non-sworn special investigators had a unit caseload of 272 cases which breaks down into approximately 42 cases per investigator excluding the manager position.

Since the last update provided to the Board, CIO has closed 43 cases and transmitted 18 cases to the Attorney General's Office – 8 criminal conviction cases, 8 malpractice cases, 2 vaccination exemption cases, and 3 petitions for reinstatement. Additionally, the CIO referred 5 cases for a PLR.

**Medical Board of California Enforcement Program  
Physician and Surgeon Complaints Received**

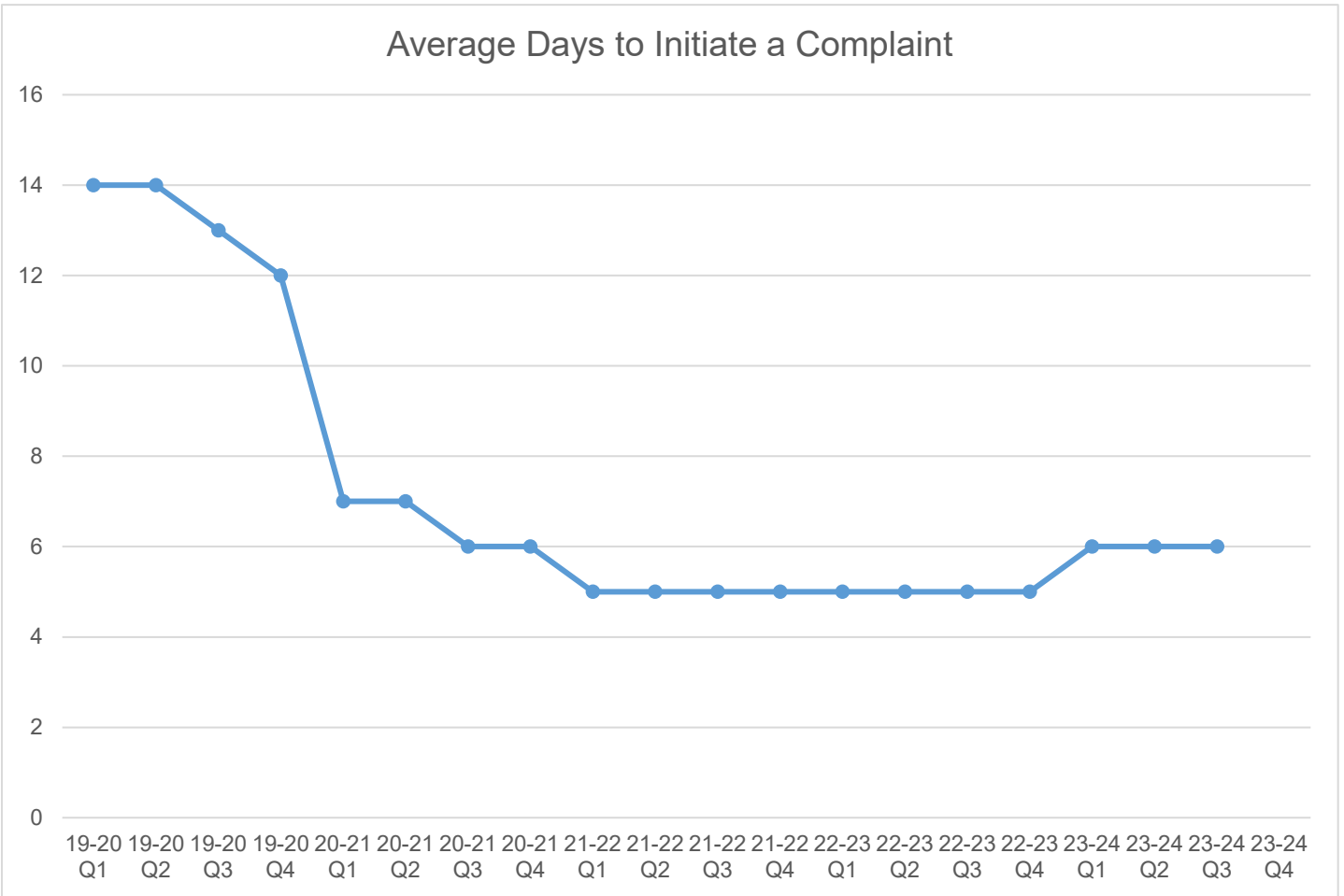
|        | <b>Fiscal Year<br/>19-20</b> | <b>Fiscal Year<br/>20-21</b> | <b>Fiscal Year<br/>21-22</b> | <b>Fiscal Year<br/>22-23</b> | <b>Fiscal Year<br/>23-24</b> |
|--------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| Volume | 10,868                       | 10,103                       | 9,943                        | 9,521                        | 7,333                        |



Complaints received by the Board through March 31, 2024.  
Includes physician and surgeon data only.

**Medical Board of California Enforcement Program  
Average Days to Initiate a Complaint in the Central Complaint Unit**

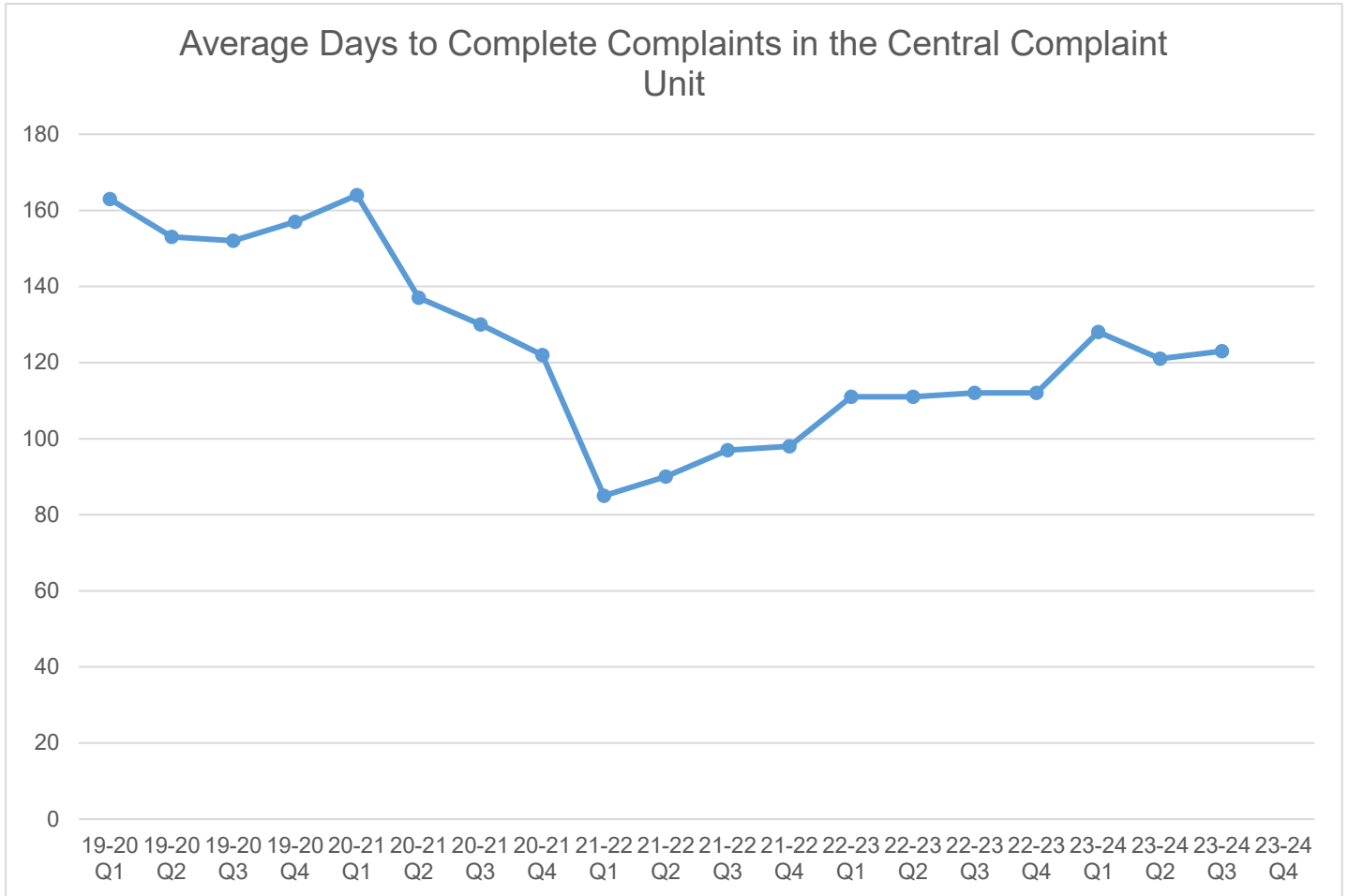
| Quarter   | Fiscal Year<br>19-20 | Fiscal Year<br>20-21 | Fiscal Year<br>21-22 | Fiscal Year<br>22-23 | Fiscal Year<br>23-24 |
|-----------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Quarter 1 | 14                   | 7                    | 5                    | 5                    | 6                    |
| Quarter 2 | 14                   | 7                    | 5                    | 5                    | 6                    |
| Quarter 3 | 13                   | 6                    | 5                    | 5                    | 6                    |
| Quarter 4 | 12                   | 6                    | 5                    | 5                    |                      |



Average Days to Initiate a Complaint in the Complaint Unit.  
Includes physician and surgeon data only.

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

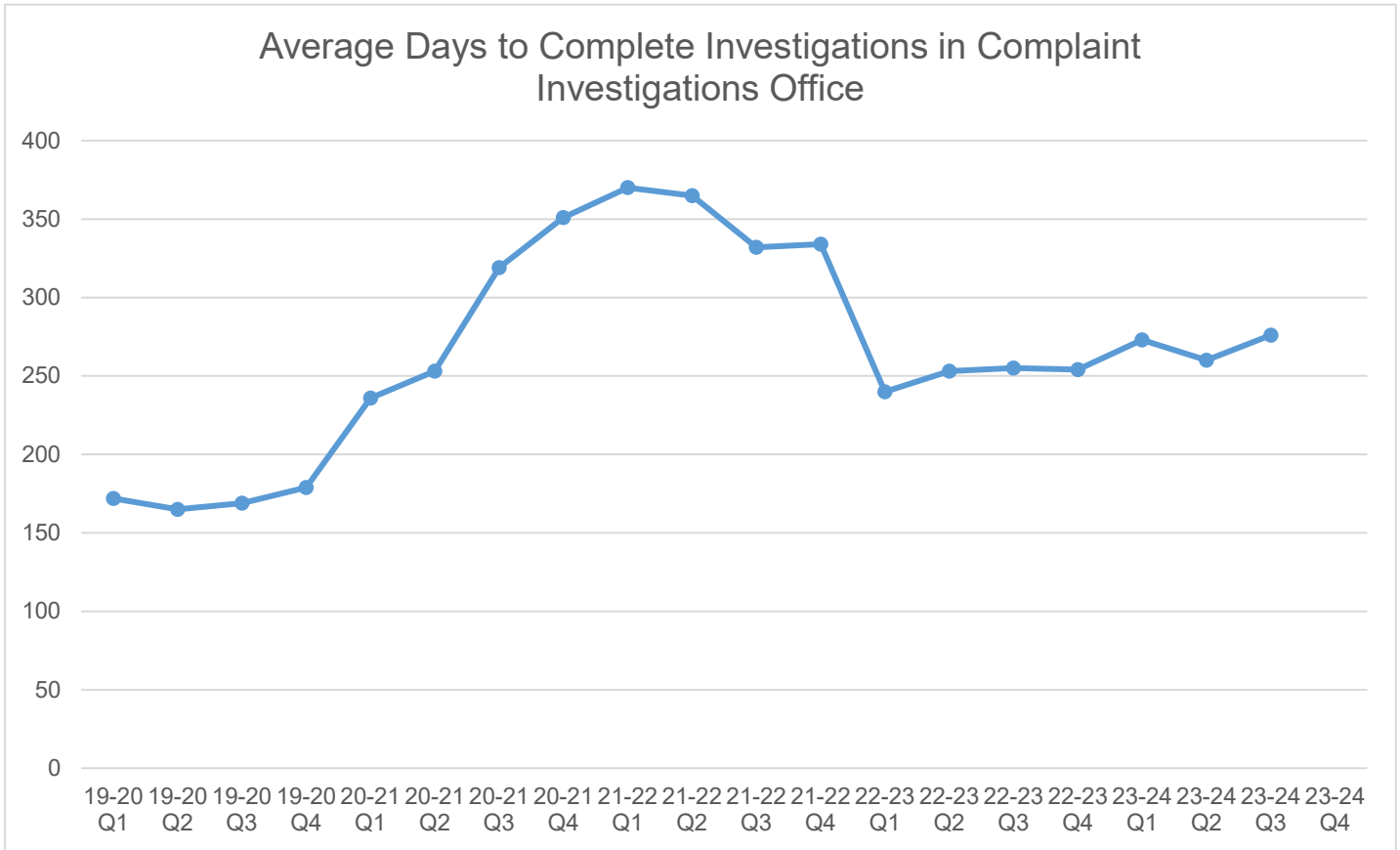
| <b>Quarter</b> | <b>Fiscal Year<br/>19-20</b> | <b>Fiscal Year<br/>20-21</b> | <b>Fiscal Year<br/>21-22</b> | <b>Fiscal Year<br/>22-23</b> | <b>Fiscal Year<br/>23-24</b> |
|----------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| Quarter 1      | 163                          | 164                          | 85                           | 111                          | 128                          |
| Quarter 2      | 153                          | 137                          | 90                           | 111                          | 121                          |
| Quarter 3      | 152                          | 130                          | 97                           | 112                          | 123                          |
| Quarter 4      | 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**

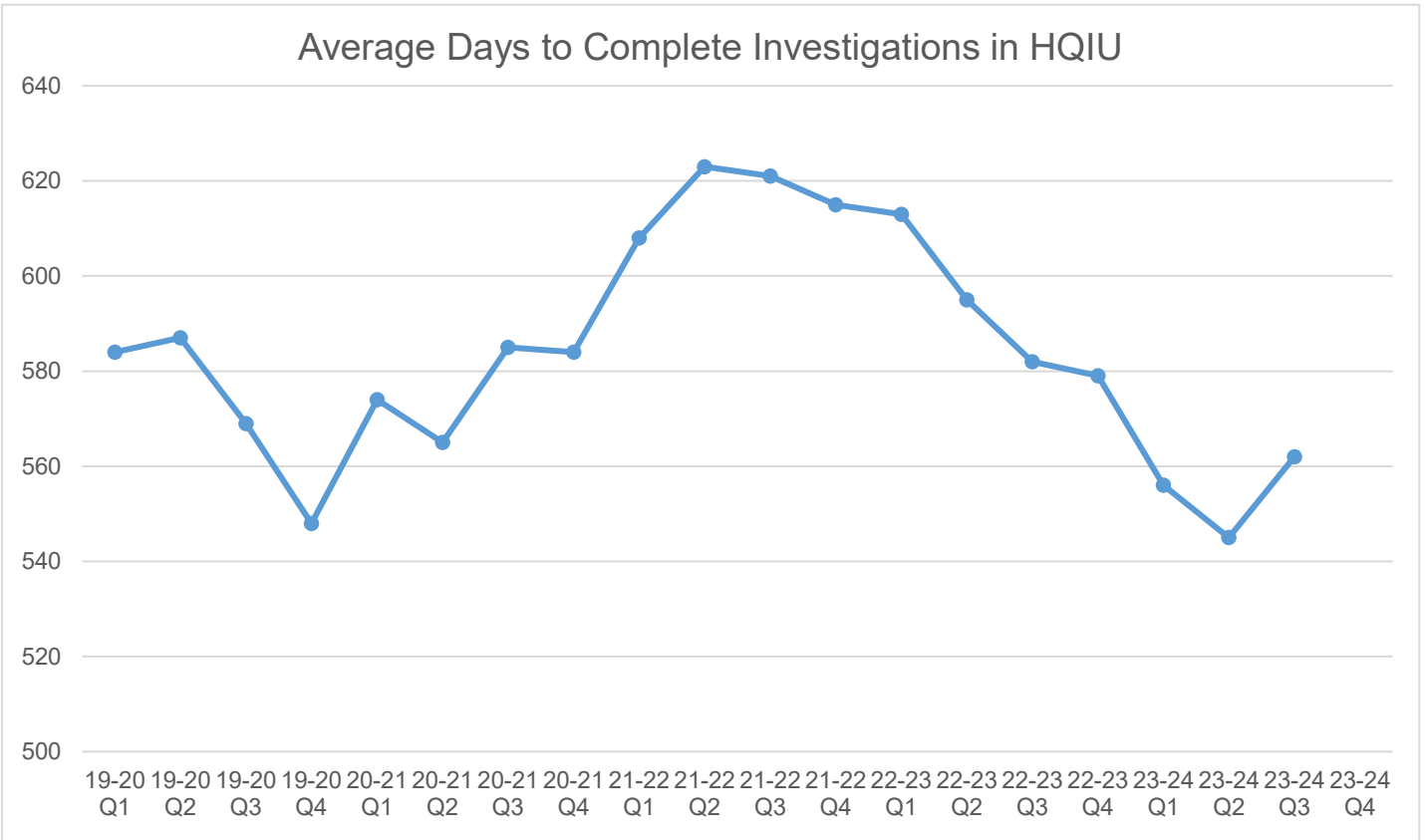
| Quarter   | Fiscal Year<br>19-20 | Fiscal Year<br>20-21 | Fiscal Year<br>21-22 | Fiscal Year<br>22-23 | Fiscal Year<br>23-24 |
|-----------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Quarter 1 | 172                  | 236                  | 370                  | 240                  | 273                  |
| Quarter 2 | 165                  | 253                  | 365                  | 253                  | 260                  |
| Quarter 3 | 169                  | 319                  | 332                  | 255                  | 276                  |
| Quarter 4 | 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<br>19-20 | Fiscal Year<br>20-21 | Fiscal Year<br>21-22 | Fiscal Year<br>22-23 | Fiscal Year<br>23-24 |
|-----------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Quarter 1 | 584                  | 574                  | 608                  | 613                  | 556                  |
| Quarter 2 | 587                  | 565                  | 623                  | 595                  | 545                  |
| Quarter 3 | 569                  | 585                  | 621                  | 582                  | 562                  |
| Quarter 4 | 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 17 days through March 2024. Includes physician and surgeon data only.

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

| <b>Case Type by Fiscal Year</b> | <b>19-20</b> | <b>20-21</b> | <b>21-22</b> | <b>22-23</b> | <b>23-24</b> |
|---------------------------------|--------------|--------------|--------------|--------------|--------------|
| Overall                         | 548          | 584          | 615          | 579          | 562          |
| Gross Negligence/Incompetence   | 561          | 588          | 632          | 621          | 574          |
| Inappropriate Prescribing       | 665          | 651          | 714          | 634          | 589          |
| Unlicensed Activity             | 529          | 659          | 636          | 577          | 504          |
| Sexual Misconduct               | 426          | 460          | 580          | 490          | 518          |
| Mental/Physical Illness         | 481          | 476          | 529          | 486          | 455          |
| Self-Abuse of Drugs/Alcohol     | 417          | 416          | 445          | 469          | 523          |
| Fraud                           | 469          | 560          | 419          | 418          | 788          |
| Conviction of a Crime           | 528          | 444          | 381          | 504          | 376          |
| Unprofessional Conduct          | 492          | 483          | 564          | 526          | 579          |

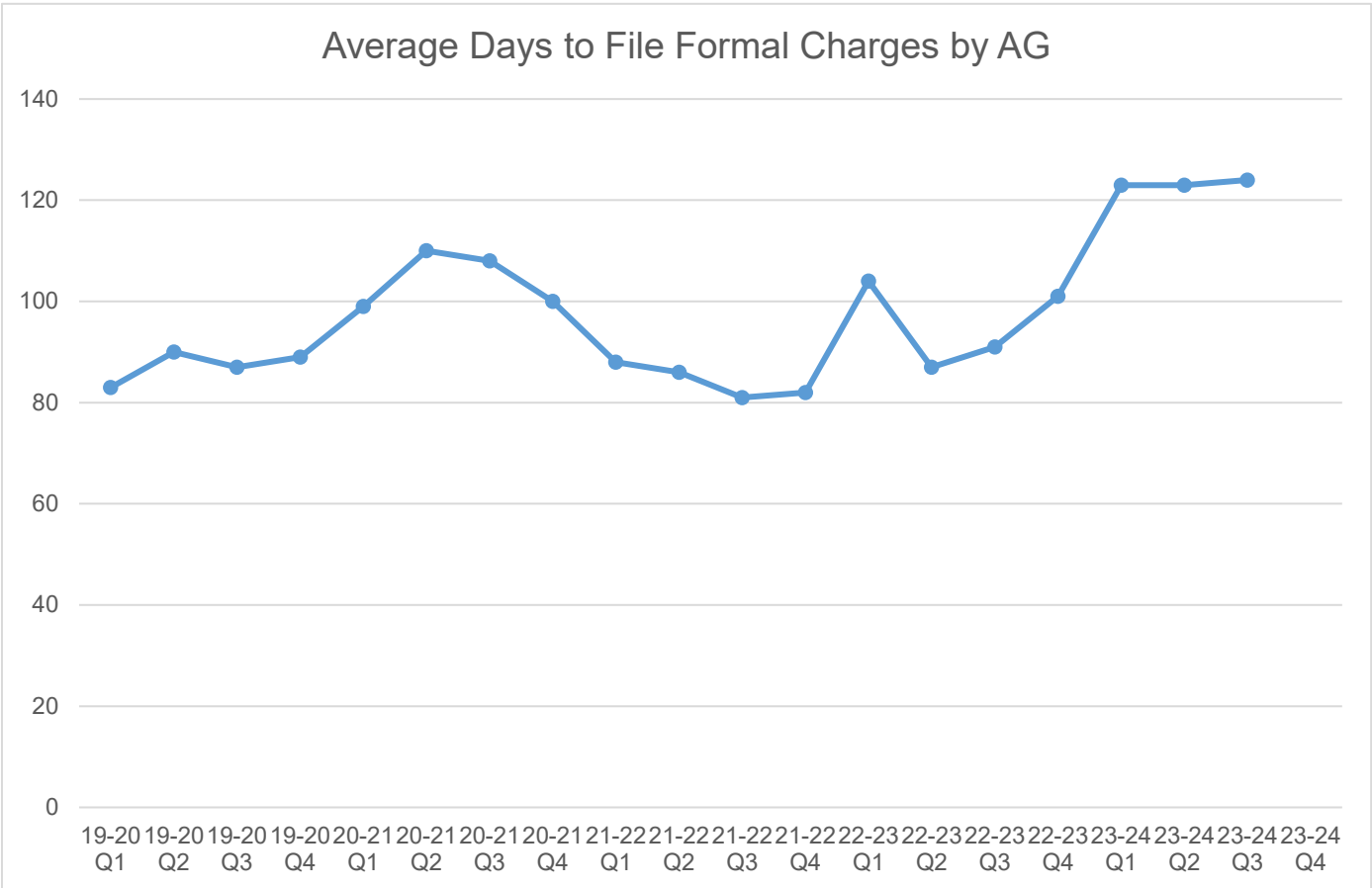
Effective 7/1/18 investigation processing days are from the date the case was referred to HQIU until closure or referral (this does not include Complaint Unit processing days for complaints completed at HQIU). This includes post-investigation processing time by HQIU, and review time by the Attorney General and Board after the investigation is completed, which is an average of 17 days through March 2024. 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<br>19-20 | Fiscal Year<br>20-21 | Fiscal Year<br>21-22 | Fiscal Year<br>22-23 | Fiscal Year<br>23-24 |
|-----------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Quarter 1 | 83                   | 99                   | 88                   | 104                  | 123                  |
| Quarter 2 | 90                   | 110                  | 86                   | 87                   | 123                  |
| Quarter 3 | 87                   | 108                  | 81                   | 91                   | 124                  |
| Quarter 4 | 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.

## ENFORCEMENT TIMEFRAMES

| Fiscal Year  | 19-20<br>Average | 19-20<br>Median | 20-21<br>Average | 20-21<br>Median | 21-22<br>Average | 21-22<br>Median | 22-23<br>Average | 22-23<br>Median | 23-24 <sup>1</sup><br>Average | 23-24 <sup>1</sup><br>Median |
|--|------------------|-----------------|------------------|-----------------|------------------|-----------------|------------------|-----------------|-------------------------------|------------------------------|
| COMPLAINT PROCESSING   | 157              | 111             | 122              | 54              | 98               | 55              | 112              | 63              | 123                           | 53                           |
| INVESTIGATION PROCESSING - MBC - CIO (Complaint Investigation Office)  | 179              | 133             | 351              | 283             | 334              | 251             | 254              | 210             | 276                           | 242                          |
| INVESTIGATION PROCESSING - HQIU (Health Quality Investigation Unit)  | 548              | 517             | 584              | 585             | 615              | 633             | 579              | 563             | 562                           | 537                          |
| <b>TOTAL MBC &amp; HQIU DAYS</b>   | 171              | 127             | 143              | 68              | 176              | 81              | 175              | 97              | 176                           | 79                           |
| <b>TOTAL MBC &amp; HQIU YEARS</b>  | 0.47             | 0.35            | 0.39             | 0.19            | 0.48             | 0.22            | 0.48             | 0.27            | 0.48                          | 0.22                         |
| AG PREP - Attorney General Preparation for Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues | 89               | 70              | 100              | 72              | 82               | 62              | 101              | 81              | 124                           | 102                          |
| POST - Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues                                     | 369              | 345             | 384              | 351             | 388              | 372             | 487              | 432             | 449                           | 396                          |
| ACCUSATION DECLINED BY AG  | 48               | 29              | 45               | 30              | 57               | 36              | 63               | 38              | 55                            | 36                           |
| <b>TOTAL AG DAYS</b>   | 374              | 354             | 470              | 447             | 478              | 449             | 577              | 514             | 542                           | 484                          |
| <b>TOTAL AG YEARS</b>  | 1.02             | 0.97            | 1.29             | 1.22            | 1.31             | 1.23            | 1.58             | 1.41            | 1.48                          | 1.33                         |
| <b>TOTAL MBC &amp; AG DAYS</b>   | 1090             | 1110            | 1129             | 1193            | 1167             | 1239            | 1343             | 1413            | 1258                          | 1342                         |
| <b>TOTAL MBC &amp; AG YEARS</b>  | 2.99             | 3.04            | 3.09             | 3.27            | 3.20             | 3.39            | 3.68             | 3.87            | 3.45                          | 3.68                         |

Years calculated using 365 days per year

<sup>1</sup> Data through 3/31/2024.

Includes physician and surgeon data only.

Administrative Outcomes for Physicians and Surgeons by Quarter

| Types of Outcomes  | FY 23/24  |           |           |           |       |
|--|-----------|-----------|-----------|-----------|-------|
|  | Quarter 1 | Quarter 2 | Quarter 3 | Quarter 4 | Total |
| <b>Administrative Outcomes</b>   |           |           |           |           |       |
| License Revoked  | 9         | 9         | 3         |           | 21    |
| License Surrendered (in Lieu of Accusation or with Accusation Pending) | 19        | 27        | 32        |           | 78    |
| License Placed on Probation with Suspension                            | 0         | 0         | 1         |           | 1     |
| License Placed on Probation  | 39        | 35        | 31        |           | 105   |
| Probationary License Issued  | 1         | 3         | 2         |           | 6     |
| Public Reprimand   | 15        | 24        | 16        |           | 55    |
| Other Action   | 0         | 1         | 1         |           | 2     |
| <b>Referral and Compliance Actions</b>                                 |           |           |           |           |       |
| Citation and Administrative Fines Issued                               | 42        | 24        | 18        |           | 84    |

| 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      |

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

Data Current as of April 15, 2024

|  | 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>                                    | 1,217        | 763          | 617          | 411          | 336          | 4          | 0         | 0        | 0            | <b>3,348</b>   | 3,280                 | 68       | 2%         |
| <b>Complaint Investigation Unit</b>                              | 73           | 53           | 50           | 34           | 55           | 7          | 0         | 0        | 0            | <b>272</b>     | 264                   | 8        | 3%         |
| <b>Health Quality Investigation Unit</b>                         | 188          | 155          | 181          | 133          | 356          | 87         | 3         | 0        | 0            | <b>1,103</b>   | 1,175                 | -72      | -6%        |
| <b>Completed Investigations Awaiting Disposition<sup>2</sup></b> | 106          | 2            | 0            | 0            | 0            | 0          | 0         | 0        | 0            | <b>108</b>     | 57                    | 51       | 89%        |
| <b>Citation and Fine Desk</b>                                    | 13           | 58           | 2            | 6            | 12           | 6          | 2         | 1        | 0            | <b>100</b>     | 115                   | -15      | -13%       |
| <b>Out-of-State Desk</b>   | 70           | 89           | 84           | 57           | 206          | 69         | 0         | 0        | 0            | <b>575</b>     | 545                   | 30       | 6%         |
| <b>AG Services<sup>3</sup></b>                                   | 32           | 4            | 4            | 4            | 6            | 0          | 0         | 0        | 0            | <b>50</b>      | 35                    | 15       | 43%        |
| <b>AG-Pre<sup>4</sup></b>  | 87           | 42           | 18           | 17           | 49           | 11         | 4         | 0        | 0            | <b>228</b>     | 239                   | -11      | -5%        |
| <b>AG-Post<sup>5</sup></b>                                       | 88           | 46           | 54           | 29           | 58           | 20         | 5         | 0        | 4            | <b>304</b>     | 288                   | 16       | 6%         |
| <b>Total by Age</b>  | <b>1,874</b> | <b>1,212</b> | <b>1,010</b> | <b>691</b>   | <b>1,078</b> | <b>204</b> | <b>14</b> | <b>1</b> | <b>4</b>     | <b>6,088</b>   | 5,998                 | 90       | 2%         |

<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.

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SACRAMENTO, CA 94244-2550

May 14, 2024

Medical Board of the State of California  
2005 Evergreen Street, Suite 1200  
Sacramento, CA 95815-5401

**RE: Attorney General's Office Quarterly Update, May, 2024 Board Meeting**

Dear Board Members:

Thank you for the opportunity to provide the Attorney General's Office Quarterly update to you in writing.

The Health Quality Enforcement Section works collegially and closely with Executive Director Reji Varghese, Deputy Executive Director Marina O'Connor, Chief of Enforcement Jenna Jones, and their staff. We meet frequently with the Office of Administrative Hearings to assist in managing your administrative litigation work. We continue to work with the Department of Consumer Affairs' Health Quality Investigation Unit and your Complaint Investigation Office to litigate your filed Accusations matters, and manage other legal services.

It is an honor and privilege to serve you. Should you ever have any requests for a presentation or would like to pose specific questions, we are always available to assist you.

Sincerely,



GLORIA L. CASTRO  
Senior Assistant Attorney General

For ROB BONTA  
Attorney General