

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: November 5, 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.

General Information:

Staff are meeting on a regular basis with representatives from the Health Quality Investigation Unit (HQIU) and the Attorney General's Office to create a collaborative model for case investigations.

The Board has received approval to reclassify a position as a Deputy Chief for the Enforcement Division. The Deputy will be responsible for handling the disposition process of cases coming in from HQIU, overseeing and aligning the investigation processes in CCU and CIO, and overseeing the new Complainant Liaison Unit.

Central Complaint Unit:

The average number of days to initiate a complaint in the Central Complaint Unit (CCU) is 9 for the first quarter of FY 2024-2025, 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 153 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 and send out requests for necessary information in a timely manner, and reduce the overall aging of all complaint types.

CCU currently has three (3) Associate Governmental Program Analyst vacancies, one vacancy was due to retirement and the other two were due to employees accepting positions with other agencies. All AGPA vacancies were advertised, management reviewed applications for the vacant positions and will schedule interviews. The vacant Management Services Technician position reported in the last summary was filled and the employee started on October 1st.

CCU management continues to work with the Board's Information Systems Branch (ISB) to implement necessary codes for the BreZE database. Discussions with ISB to create electronic complaint files were held, staff were identified to pilot creating electronic files and training and testing will begin soon.

Complaint Liaison Unit:

Staff positions were allocated in the annual Budget Act and Enforcement and management finalized duty statements for the 9 positions (1 Staff Services Manager I, SSM I) and 8 Associate Governmental Program Analyst (AGPA) positions. The positions were advertised, management reviewed applications for the vacant positions and interviews were conducted. The candidates have been sent to DCA for eligibility review.

Expert Reviewer Program:

There are currently 754 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, 39 renewal reminders have been sent out and 23 experts have renewed, to continue work as active reviewers.

The Expert program held a training session via Webex on August 17th, 2024. Staff processed sample reports from the 29 attendees of the August training, to provide feedback and allow more reviewers access to the higher rate of pay. Special attention was given to the recruitment of experts with pain management experience. Staff directly advertised recruitment to over 150 candidates and surveyed over 200 current reviewers. Advertisement in the Board's September 2024 newsletter continued with a focus on the need for the following specialties in addition to midwifery reviewers:

- Addiction medicine with added certification in Family, Internal, or Psychiatry
- Family Medicine
- General Surgery
- Pain Medicine
- Plastic Surgery

The following specialties were also included in the September 2024 Newsletter advertisement:

- Cardiology
- Clinical Genetics
- Colon/Rectal Surgery
- Dermatology
- Gastroenterology
- Hematology
- Interventional Cardiology
- Midwife Reviewer
- Neurological Surgery
- Neurology
- Obstetrics and Gynecology (with added expertise in Gynecologic Oncology)
- Orthopaedic Surgery

- Pediatric Endocrinology
- Pathology (preferably from the following counties: Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, and Ventura)
- Pediatric Gastroenterology
- Pediatric Surgery
- Pediatric Cardiac Surgery
- Pediatric Critical Care
- Pediatric Pulmonology
- Psychiatry (Forensic and Addiction)
- Radiation Oncology
- Thoracic and Cardiac Surgery
- Urology (General and Gender Reassignment)

Complaint Investigation Office:

These findings are for physician and surgeon cases for the date range of 7/1/2024 through 9/30/2024.

As of 10/1/2024, The Complaint Investigation Office (CIO) non-sworn special investigators currently had a unit caseload of 268 cases which breaks down into approximately 41 cases each across 6.5 total positions.

Since the last update to the Board at its August 2024 meeting, CIO has closed 33 cases and transmitted 20 cases to the Attorney General's Office – 13 criminal conviction cases, 4 malpractice cases, and 3 vaccination exemption cases.

Discipline Coordination Unit:

Management is pleased to report the Discipline Coordination Unit (DCU) is now fully staffed. The remaining vacant Associate Governmental Program Analyst (AGPA) position mentioned in the previous report has been filled and the employee reported to work on September 23, 2024. The vacant Management Services Technician (MST) position is earmarked for elimination as part of the mandated vacancy reduction.

Probation Unit:

The Probation Unit currently has two vacant probation monitoring positions, one in Sacramento and one in San Dimas. The previously reported second vacant position in San Dimas is earmarked for elimination as part of the mandated vacancy reduction.

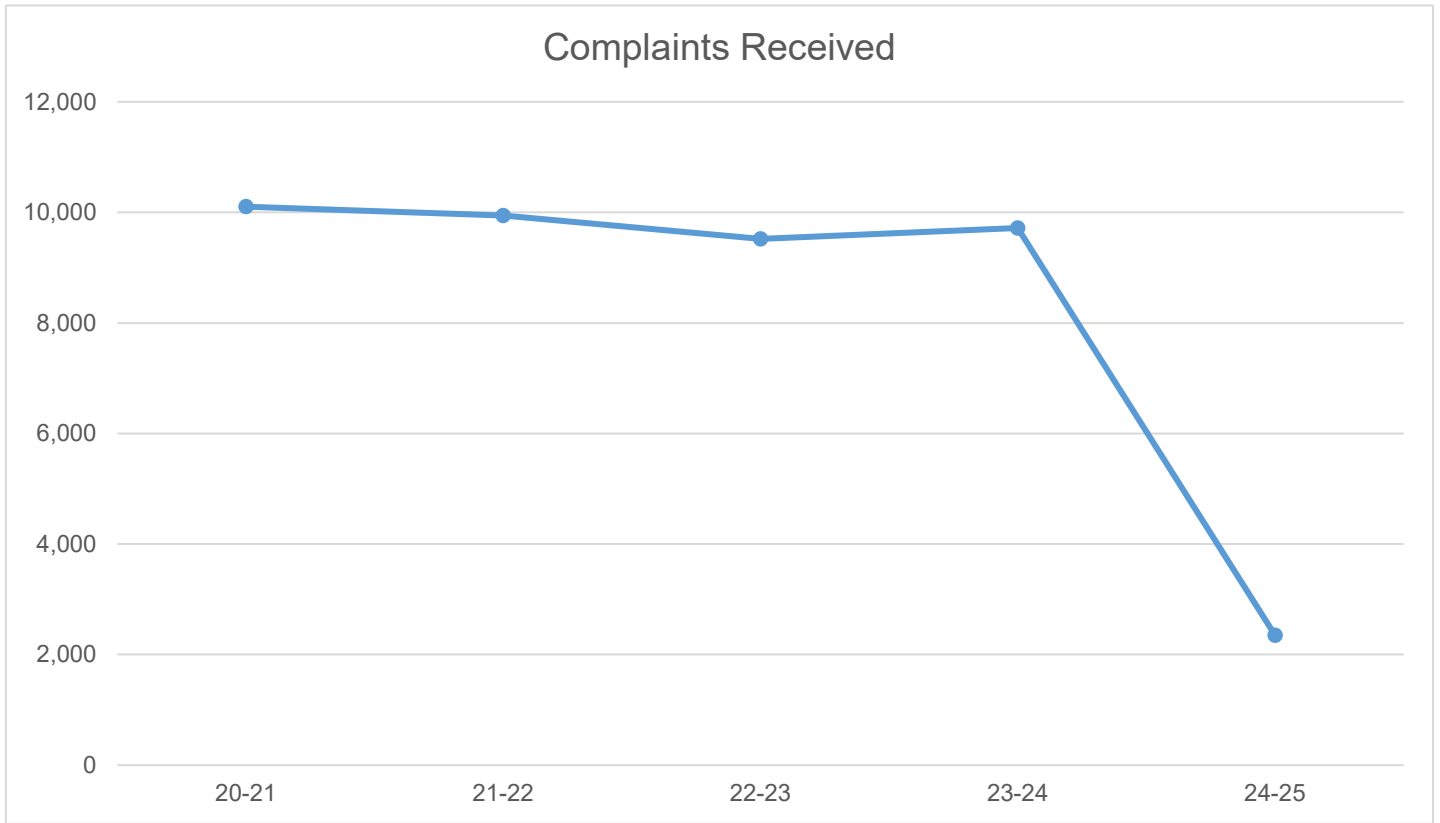
Management is currently in discussions with DCA regarding the reclassification of the Inspectors to Associate Governmental Program Analysts or Staff Services Analysts, therefore, no vacant positions have been filled.

The Management Services Technician in Cerritos retired effective September 30, 2024. That vacancy was advertised in August and has been filled. The employee reported to work on September 23, 2024.

During the 1st quarter of FY 2024-2025, 34 licensees were placed on probation, one licensee was placed on probation with suspension, and four probationary licenses were issued. Twenty-one licensees successfully completed probation and four probationers surrendered their license while on probation. As of October 1, 2024, there are 577 licensees currently on probation, both in and out of state. Five Citations were issued for violations of probation. One Cease Practice Order was issued for a violation of probation. Three Petitions to Revoke Probation and three Accusations/Petitions to Revoke Probation were transmitted to the Attorney General's Office. Four Petitions to Revoke Probation were filed and four Accusations/Petitions to Revoke Probation were filed.

Medical Board of California Enforcement Program Physician and Surgeon Complaints Received

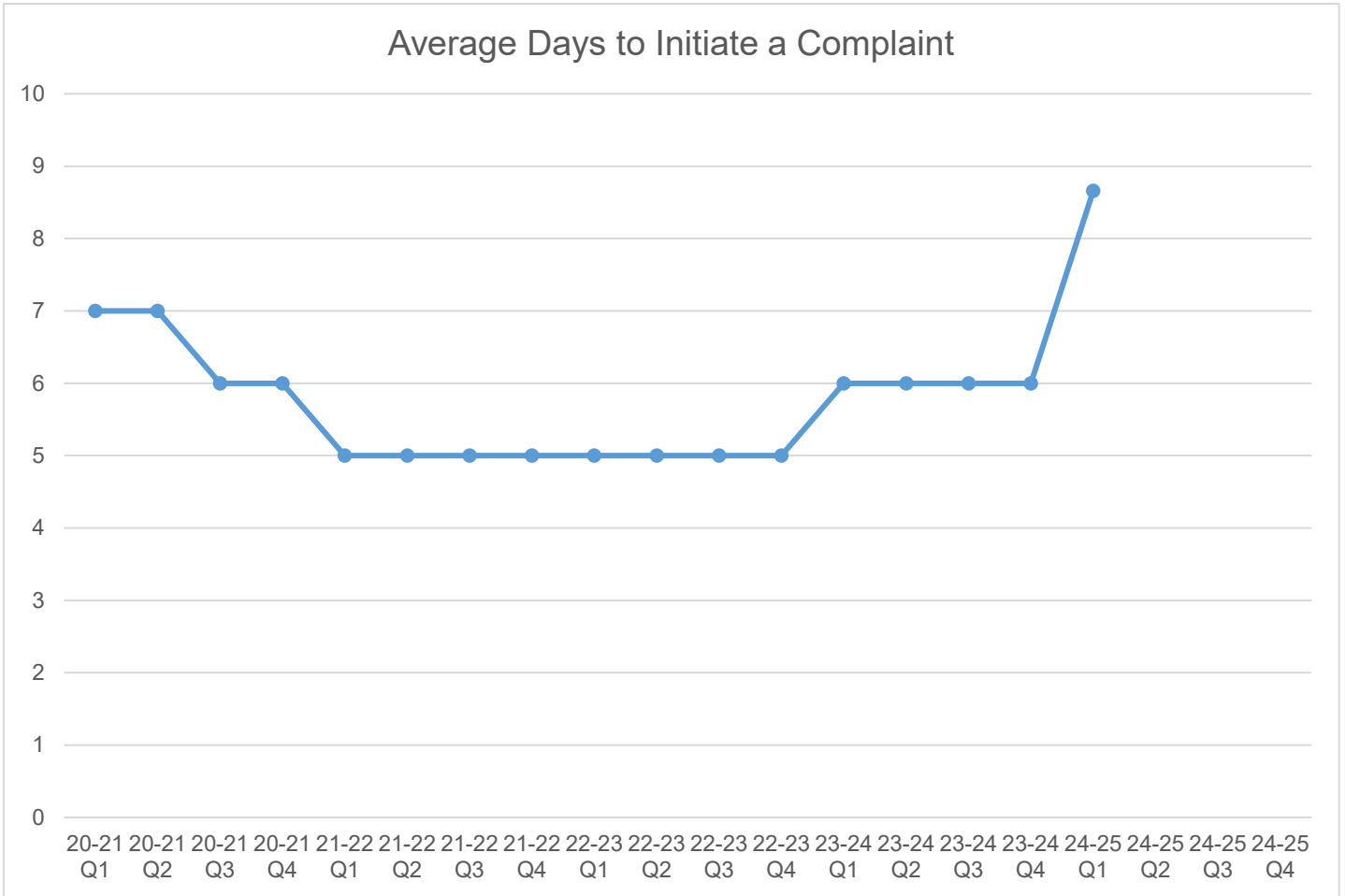
	Fiscal Year 20-21	Fiscal Year 21-22	Fiscal Year 22-23	Fiscal Year 23-24	Fiscal Year 24-25
Volume	10,103	9,943	9,521	9,715	2,352



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

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

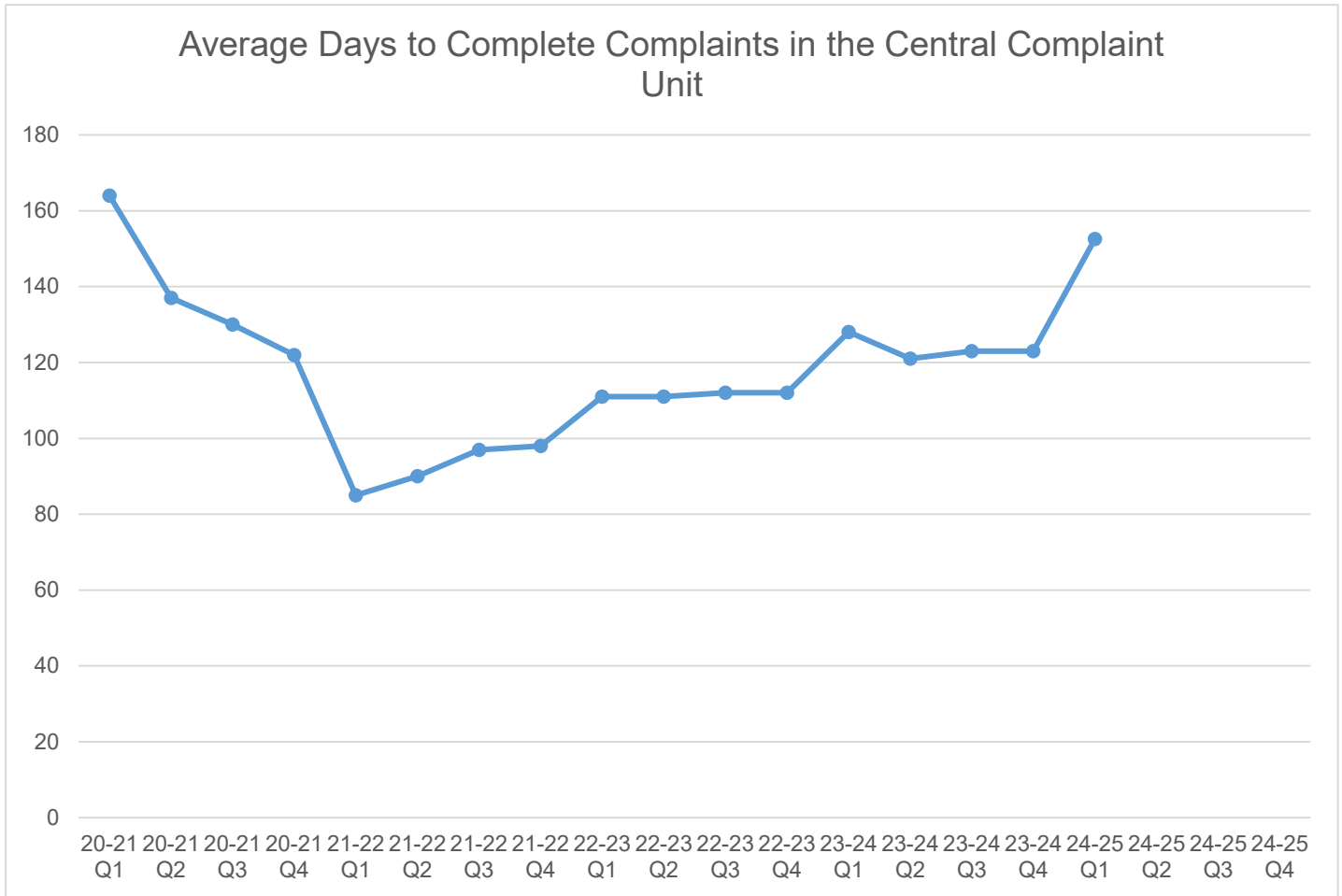
Quarter	Fiscal Year 20-21	Fiscal Year 21-22	Fiscal Year 22-23	Fiscal Year 23-24	Fiscal Year 24-25
Quarter 1	7	5	5	6	9
Quarter 2	7	5	5	6	
Quarter 3	6	5	5	6	
Quarter 4	6	5	5	6	



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**

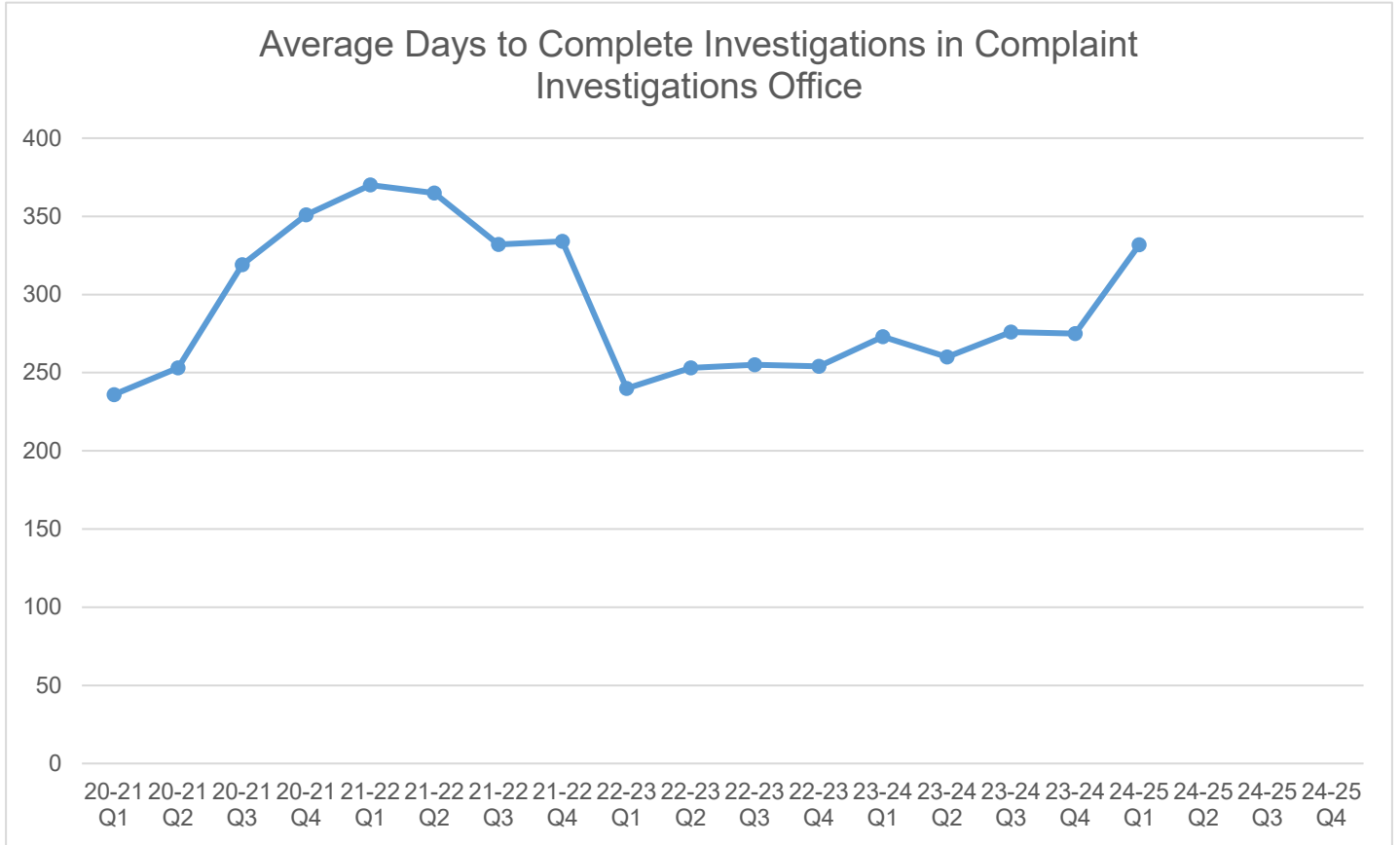
Quarter	Fiscal Year 20-21	Fiscal Year 21-22	Fiscal Year 22-23	Fiscal Year 23-24	Fiscal Year 24-25
Quarter 1	164	85	111	128	153
Quarter 2	137	90	111	121	
Quarter 3	130	97	112	123	
Quarter 4	122	98	112	123	



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**

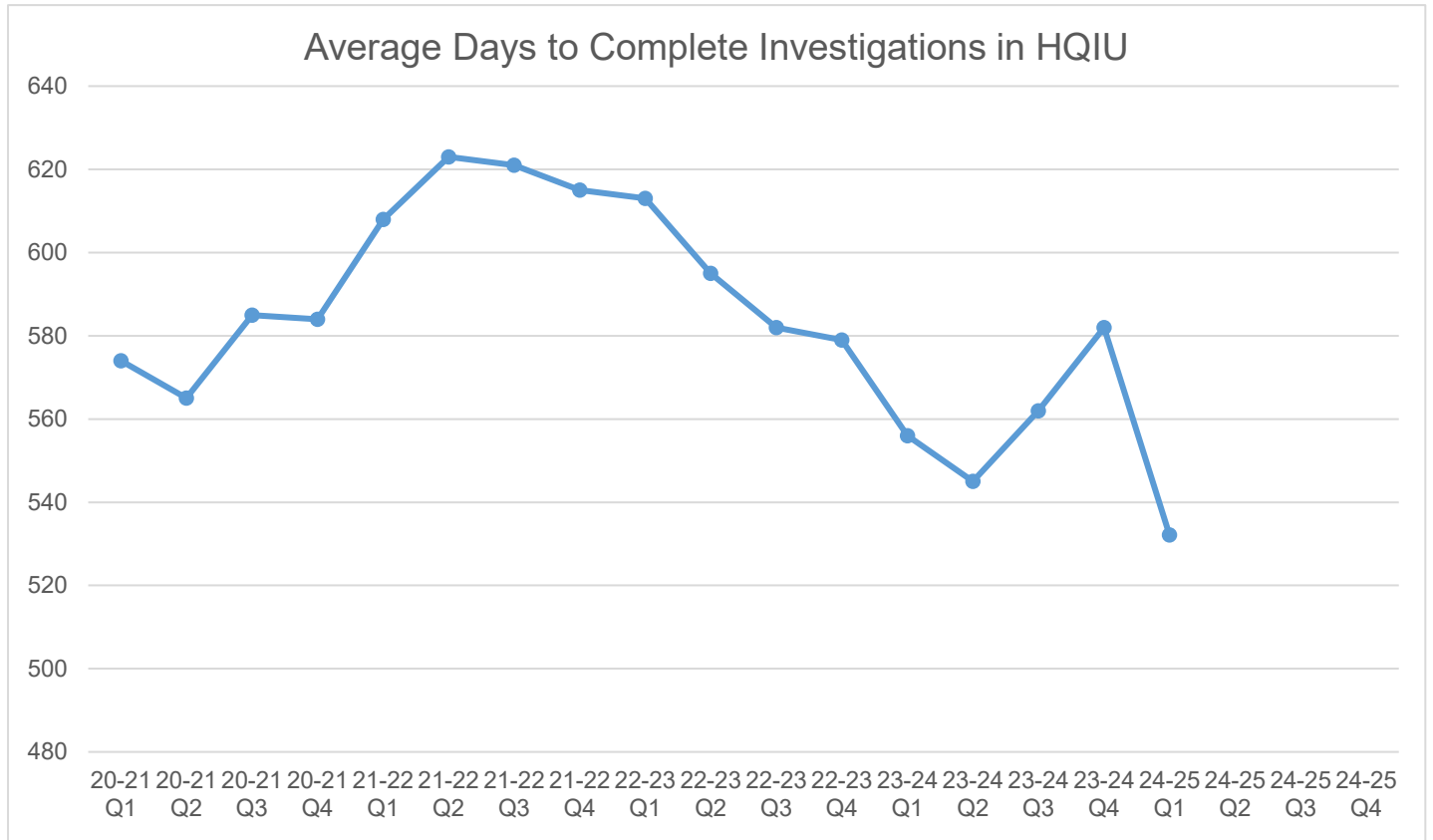
Quarter	Fiscal Year 20-21	Fiscal Year 21-22	Fiscal Year 22-23	Fiscal Year 23-24	Fiscal Year 24-25
Quarter 1	236	370	240	273	332
Quarter 2	253	365	253	260	
Quarter 3	319	332	255	276	
Quarter 4	351	334	254	275	



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 20-21	Fiscal Year 21-22	Fiscal Year 22-23	Fiscal Year 23-24	Fiscal Year 24-25
Quarter 1	574	608	613	556	532
Quarter 2	565	623	595	545	
Quarter 3	585	621	582	562	
Quarter 4	584	615	579	582	



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 48 days through September 2024. Includes physician and surgeon data only.

California Enforcement Program
Average HQIU Investigation Days by Case Type

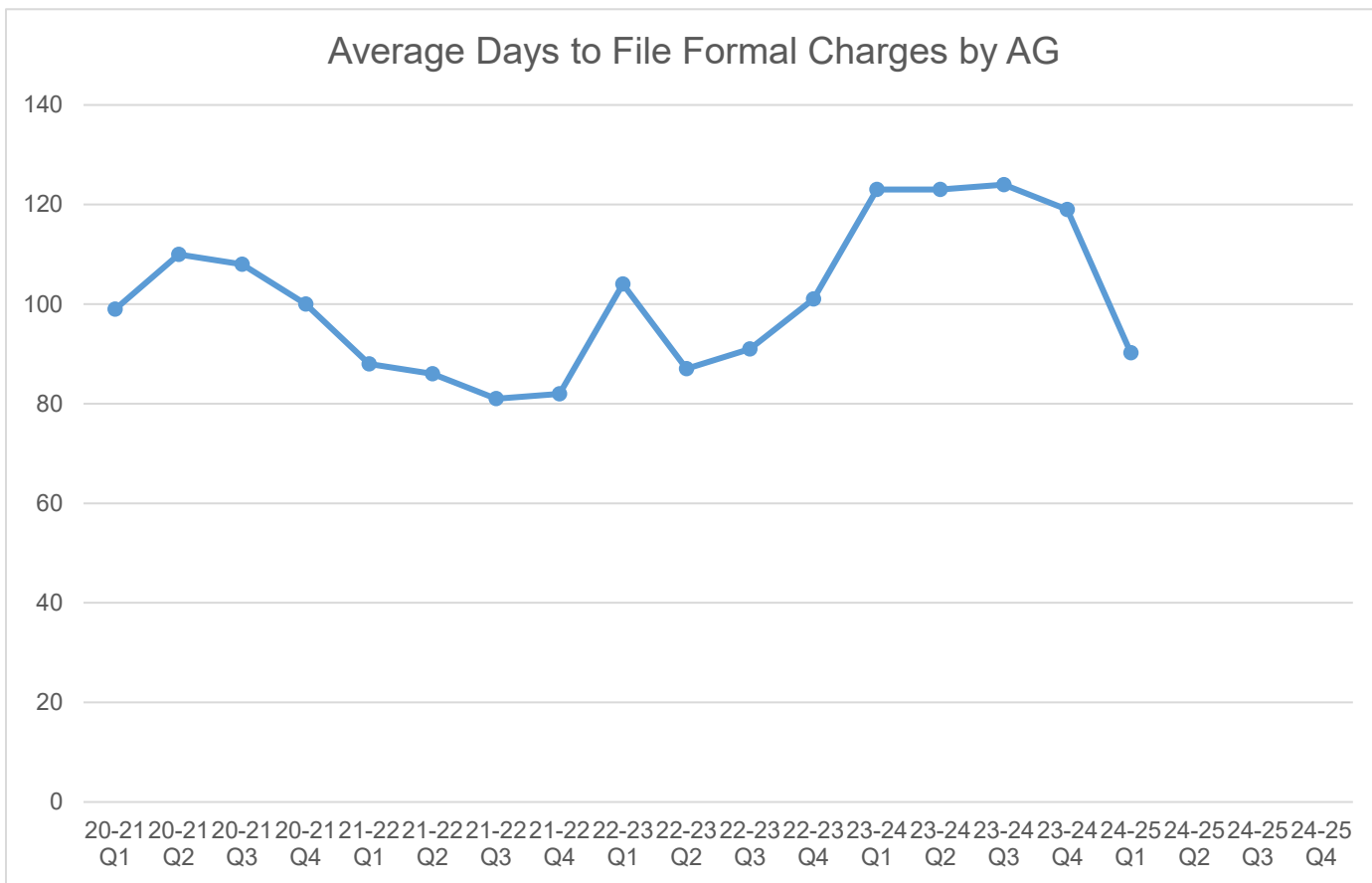
Case Type by Fiscal Year	20-21	21-22	22-23	23-24	24-25
Overall	584	615	579	582	532.16
Gross Negligence/Incompetence	588	632	621	588	492
Inappropriate Prescribing	651	714	634	598	620
Unlicensed Activity	659	636	577	538	429
Sexual Misconduct	460	580	490	540	498
Mental/Physical Illness	476	529	486	455	392
Self-Abuse of Drugs/Alcohol	416	445	469	521	481
Fraud	560	419	418	733	313
Conviction of a Crime	444	381	504	379	665
Unprofessional Conduct	483	564	526	620	479

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 48 days through September 2024. Includes physician and surgeon data only.

Agenda Item 7C

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

Quarter	Fiscal Year 20-21	Fiscal Year 21-22	Fiscal Year 22-23	Fiscal Year 23-24	Fiscal Year 24-25
Quarter 1	99	88	104	123	90
Quarter 2	110	86	87	123	
Quarter 3	108	81	91	124	
Quarter 4	100	82	101	119	



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.

Administrative Outcomes for Physicians and Surgeons by Quarter

Types of Outcomes	FY 24-25				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total
Administrative Outcomes					
License Revoked	8				8
License Surrendered (in Lieu of Accusation or with Accusation Pending)	16				16
License Placed on Probation with Suspension	1				1
License Placed on Probation	34				34
Probationary License Issued	4				4
Public Reprimand	23				23
Other Action	1				1
Referral and Compliance Actions					
Citation and Administrative Fines Issued	11				11

Types of Outcomes	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25
Administrative Outcomes					
License Revoked	49	36	36	23	8
License Surrendered (in Lieu of Accusation or with Accusation Pending)	125	106	89	102	16
License Placed on Probation with Suspension	4	7	4	2	1
License Placed on Probation	132	156	153	137	34
Probationary License Issued	19	14	17	10	4
Public Reprimand	154	118	76	97	23
Other Action	2	1	4	3	1
Referral and Compliance Actions					
Citation and Administrative Fines Issued	51	122	195	135	11

ENFORCEMENT TIMEFRAMES

Fiscal Year	20-21 Average	20-21 Median	21-22 Average	21-22 Median	22-23 Average	22-23 Median	23-24 Average	23-24 Median	24-25¹ Average	24-25¹ Median
COMPLAINT PROCESSING	122	54	98	55	112	63	123	52	153	63
INVESTIGATION PROCESSING - MBC - CIO (Complaint Investigation Office)	351	283	334	251	254	210	275	240	332	305
INVESTIGATION PROCESSING - HQIU (Health Quality Investigation Unit)	584	585	615	633	579	563	582	556	532	527
TOTAL MBC & HQIU DAYS	143	68	176	81	175	97	177	77	233	121
TOTAL MBC & HQIU YEARS	0.39	0.19	0.48	0.22	0.48	0.27	0.48	0.21	0.64	0.33
AG PREP - Attorney General Preparation for Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues	100	72	82	62	101	81	120	94	90	76
POST - Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues	384	351	388	372	487	432	439	392	407	330
ACCUSATION DECLINED BY AG	45	30	57	36	63	38	58	36	41	28
TOTAL AG DAYS	470	447	478	449	577	514	539	475	533	465
TOTAL AG YEARS	1.29	1.22	1.31	1.23	1.58	1.41	1.48	1.30	1.46	1.27
TOTAL MBC & AG DAYS	1129	1193	1167	1239	1343	1413	1261	1305	1,150	1,107
TOTAL MBC & AG YEARS	3.09	3.27	3.20	3.39	3.68	3.87	3.45	3.58	3.15	3.03

Years calculated using 365 days per year

¹ Data through 9/30/2024.

Includes physician and surgeon data only.

Pending Enforcement Caseload Summary¹

Data Current as of October 28, 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
Central Complaint Unit	1,298	853	651	367	511	5	1	0	0	3,686	3,567	119	3%
Complaint Investigation Unit	67	49	35	42	68	10	0	0	0	271	252	19	8%
Health Quality Investigation Unit	174	158	160	124	334	72	1	0	0	1,023	1,053	-30	-3%
Completed Investigations Awaiting Disposition²	71	2	1	0	0	0	0	0	0	74	134	-60	-45%
Citation and Fine Desk	22	7	9	4	5	2	1	0	0	50	49	1	2%
Out-of-State Desk	48	45	40	53	136	89	2	0	0	413	647	-234	-36%
AG Services³	8	8	11	6	5	0	0	0	0	38	47	-9	-19%
AG-Pre⁴	79	52	27	25	31	9	0	1	0	224	246	-22	-9%
AG-Post⁵	60	53	59	38	45	16	2	1	1	275	284	-9	-3%
Total by Age	1,827	1,227	993	659	1,135	203	7	2	1	6,054	6,279	-225	-4%

¹ Includes physician and surgeon data only.

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

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

⁴ 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.

⁵ 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.