

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: April 19, 2016
 ATTENTION: Members, Medical Board of California
 SUBJECT: Enforcement Program Summary
 STAFF CONTACT: Christina Delp, 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 Update

There are currently 1060 active experts in the Board's expert database. 76 experts were utilized to review 91 cases between January and March 2016. **Attachment A** provides the Expert Reviewer Program statistics. Additional experts are needed in the following specialties:

- Addiction Medicine with additional certification in Family or Internal Medicine, or Psychiatry
- Dermatology
- Family Medicine
- Midwife Reviewer
- Neurological Surgery
- Neurology
- OB/Gyn
- Pathology
- Pain Medicine
- Pediatric Cardiac Surgery
- Plastic Surgery
- Psychiatry
- **Surgery** (*although the numbers show that we have more experts than total cases in this field, we still need to expand our list because it is difficult to find actively practicing surgeons readily available to perform reviews at time of request*)
- Urology

Expert Reviewer training was held on March 19, 2016, at the UC San Diego School of Medicine. The training was co-hosted by the Physician Assessment and Clinical Education (PACE) Program, and PACE was gracious to dedicate the use of the school's state of the art facility for the training. A total of thirty-seven experts attended and they received information about the role and responsibilities of a Medical Board expert, how to write a clear and concise report, and proper protocols for testifying at a hearing. The feedback received from the attendees was positive, in that they stated the training was well organized and educational. Because a majority of the attendees expressed a desire to receive instruction in prescribing practices, the Expert Reviewer Program is looking into the likelihood of providing this training to the experts as an enhancement to the training curriculum. The Expert Reviewer Program is currently researching facilities in the Los Angeles and San Francisco areas to hold Expert Reviewer Training in September and October of this year. **Attachment B** provides some pictures taken at the training.

At the January 2016 Board meeting, the Enforcement Committee requested that a letter from Board President David Serrano-Sewell be sent to existing experts encouraging their participation at the training. **Attachment C** is the letter that was mailed to the experts and a similar letter is being drafted that will be sent to prospective physician and surgeons, in the medical specialties where experts are needed, urging them to join the Board's Expert Reviewer Program.

Demographic Study Update

At the January Board meeting, it was reported that the California Research Bureau is finalizing the research plan and methodology. On April 18, 2016, Dr. Krauss, Board Member, and Dr. Baker, Black American Political Association of California and the Golden State Medical Society, received the plan for review. Once Dr. Krauss has completed his review and approval of the plan, the CRB will continue with its analysis portion of the study. The analysis is expected to take approximately two months and an additional two months for the CRB to finalize the report.

Training for the Office of Administrative Hearing

In alignment with the Board's strategic plan objective to identify ongoing opportunities for training of Administrative Law Judges, the Board enlisted assistance from PACE to provide a medical record keeping course on April 29, 2016 and a prescribing practices course that will be held on May 27, 2016. Three training opportunities have been provided this calendar year and the goal of the Enforcement Program is to provide three additional training sessions by the end of the year.

Enforcement Program Restructure

The Enforcement Program submitted a request to the Department of Consumer Affairs (DCA) to re-organize the structure of the Program. The objective of the request was to split the six units of the Enforcement Program into two sections that would be managed by two Enforcement Program Managers, as opposed to one. The restructure will afford ideal oversight by senior level management to ensure policies and procedures and the daily operational tasks are being carried out effectively and efficiently by staff. In addition, by having two Program Managers, they can devote more time to supporting the managers and staff in fulfilling the Board's mission of providing consumer protection. **Attachment D** is an organizational chart depicting the new structure of the Enforcement Program that was approved by DCA.

Staffing/Program Updates

Enforcement Program

On March 7, 2016, Susan Houston was appointed as the new Enforcement Program Manager responsible for overseeing the Probation Unit, the Complaint Investigation Office and the Disciplinary Coordination Unit. Program Manager Paulette Romero is responsible for overseeing the functions of the Central Complaint Unit.

Expert Reviewer Program

On March 14, 2016, Rebecca Grisby was appointed as the new Associate Governmental Program Analyst within the Board's Expert Reviewer Program.

Complaint Investigation Office (CIO)

The CIO is fully staffed with six non-sworn Special Investigators and each investigator continues to maintain a case load of approximately 45 cases. Since the last Enforcement Summary provided at the January 2016 Board meeting, CIO has closed 73 cases and has transmitted 44 cases to the Attorney General's Office – 13 criminal/conviction cases, 19 Petitions for Reinstatement of licensure, 7 Petitions for Early Termination/Modification of probation, and 5 medical malpractice cases.

The CIO received subpoena training from the Office of the Attorney General (AGO) on February 25, 2016. During the training, staff received praises from the Deputy Attorneys General for transmitting cases to the

AGO that are clear, concise and contain all necessary information for a successful transmittal for disciplinary action. In addition, staff also received compliments for their professionalism and preparedness while conducting subject interviews.

Discipline Coordination Unit (DCU)

Staff in the DCU continues to focus their efforts on restoring public disciplinary documents to the Board's website to ensure compliance with Assembly Bill 1886. Two Student Assistants and one retired annuitant were hired to help finalize this project as it has been challenging for the permanent staff to dedicate time to the project because their daily functions of processing disciplinary documents is the DCU's priority.

Probation Unit

On March 14, 2016, Anne Potter was hired as the new Probation Unit Manager. Besides learning the intricacies of the Unit, Ms. Potter, Ms. Houston and Chief of Enforcement Christina Delp have begun discussions to develop a comprehensive training plan for the unit's inspectors. Some training topics being explored are assertiveness training, report writing, testifying, completed staff work, case management, time management, and consequences of non-compliance by probationers. The training is tentatively scheduled to take place September 2016.

On April 13, 2016, Ms. Potter, Ms. Houston and Ms. Delp meet with the executive staff from PACE. The purpose of the meeting was to introduce the new probation management to the PACE staff and to educate Board staff regarding the history and background of PACE, the PACE Competency Assessment Program, and the Physician Enhancement Program.

The Northern California Probation Unit continues its recruitment to backfill one vacant Inspector I position located in the San Jose field office. The interest of candidates for this position has been extremely low. Therefore, management is entertaining the possibility of relocating this position to the Sacramento office for recruitment purposes. Hiring interviews for the vacant Associate Governmental Program Analyst position will be conducted April 20 and 21, 2016. This analyst will assist with monitoring probationers that are ordered to submit biological fluid testing as a term of his or her probation, as well as monitor the requirements for specified training or education contained in a Public Letter of Reprimand or a Public Reprimand.

Central Complaint Unit (CCU)

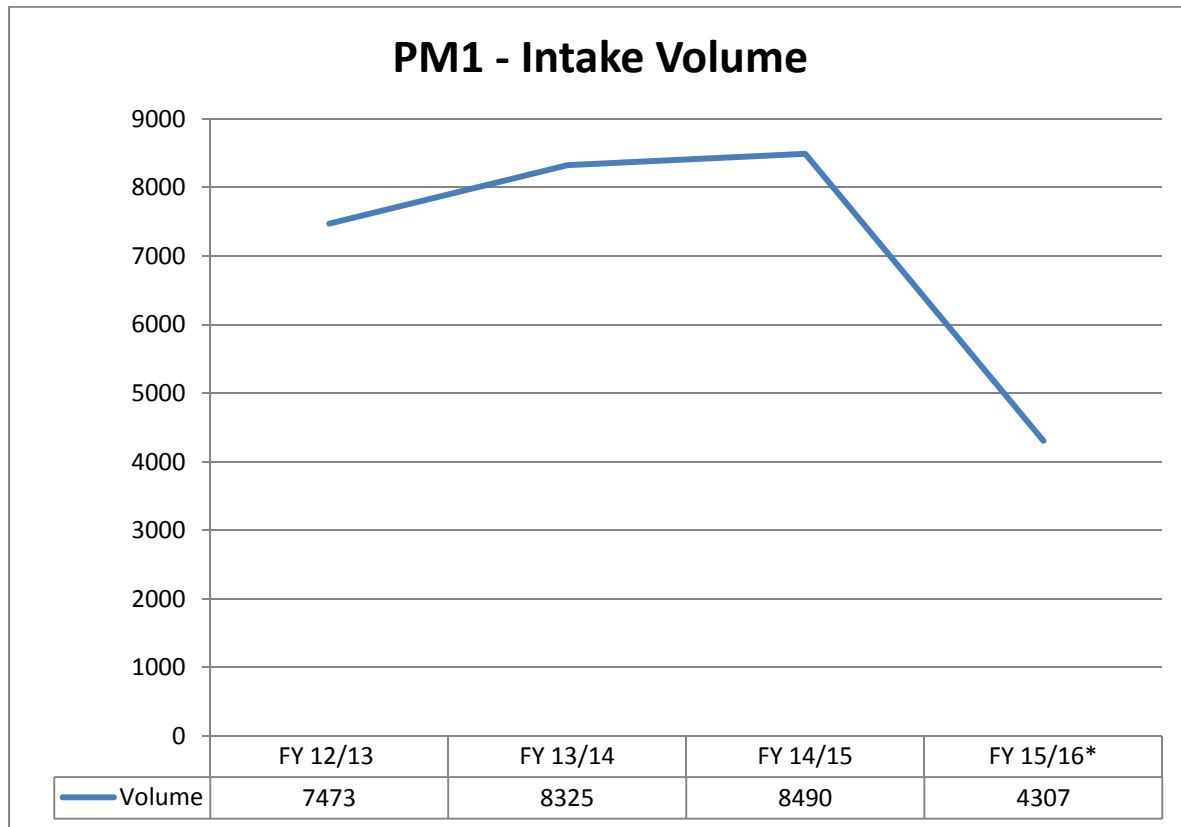
The CCU intake staff was able to reduce the number of days it takes to initiate a complaint during the third quarter of fiscal year 2015/2016 from an average of seventeen (17) days to an average of fifteen (15) days. The unit will soon receive assistance in further reducing this timeframe as DCA recently approved the hiring of one additional Management Services Technician to process the complaint intake workload. This position has been advertised and management anticipates having an individual employed by the middle of June.

Effective April 1, 2016, the CCU was reorganized in order to appropriately allocate caseloads managed by staff. The reorganization also reduced the number of employees reporting to each CCU manager. The reason of this change is to allow management more time to provide staff with individual development feedback, training, and assistance with processing complex cases, and in so doing, improve the overall efficiency of the unit and reduce the amount of time it takes to close a complaint or refer the complaint to the field for further investigation. Current CCU case processing timeframes are averaging 162 days.

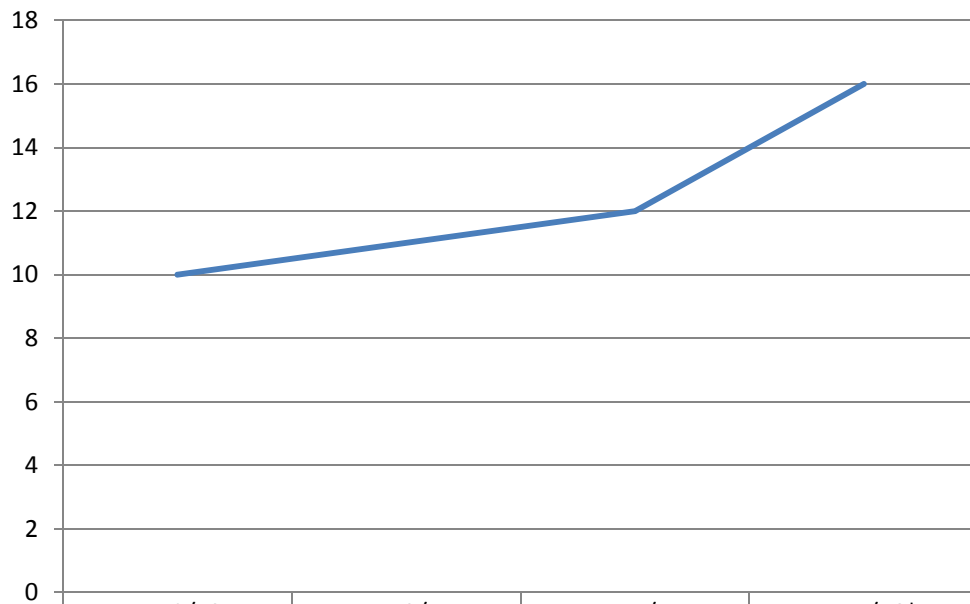
Enforcement Performance Measures

The charts below depict workload statistics regarding the number of complaints received (PM 1; includes complaints and arrest notifications), processing times to initiate a complaint and assign to a desk analyst (PM 2), complete an investigation (PM 3), and the average number of days it takes to complete a case that has been transmitted to the Attorney General for disciplinary action (PM 4).

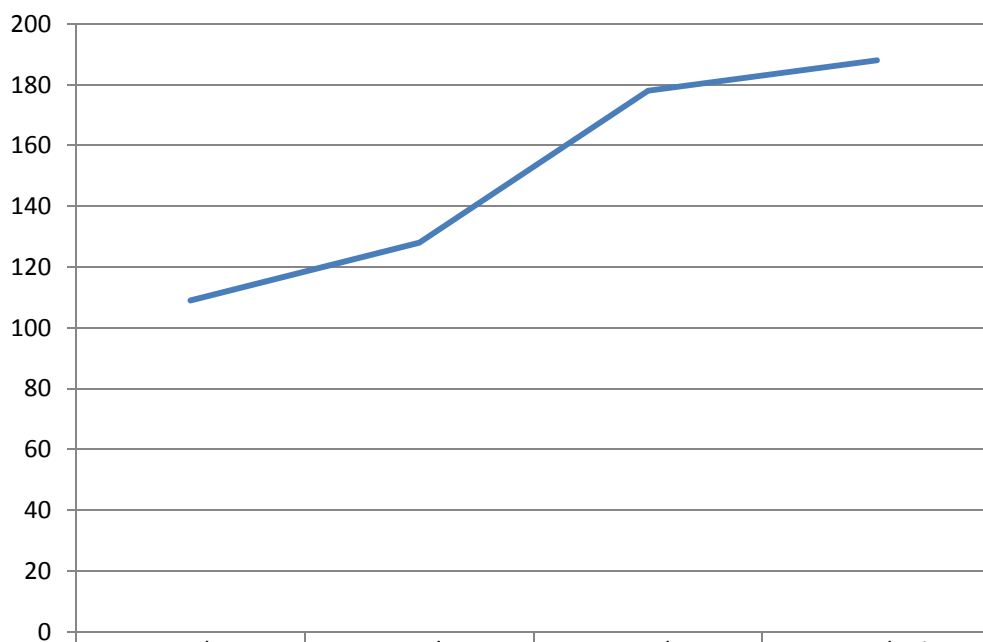
*The FY 15/16 numbers are for the time period July 1, 2015 to March 31, 2016.

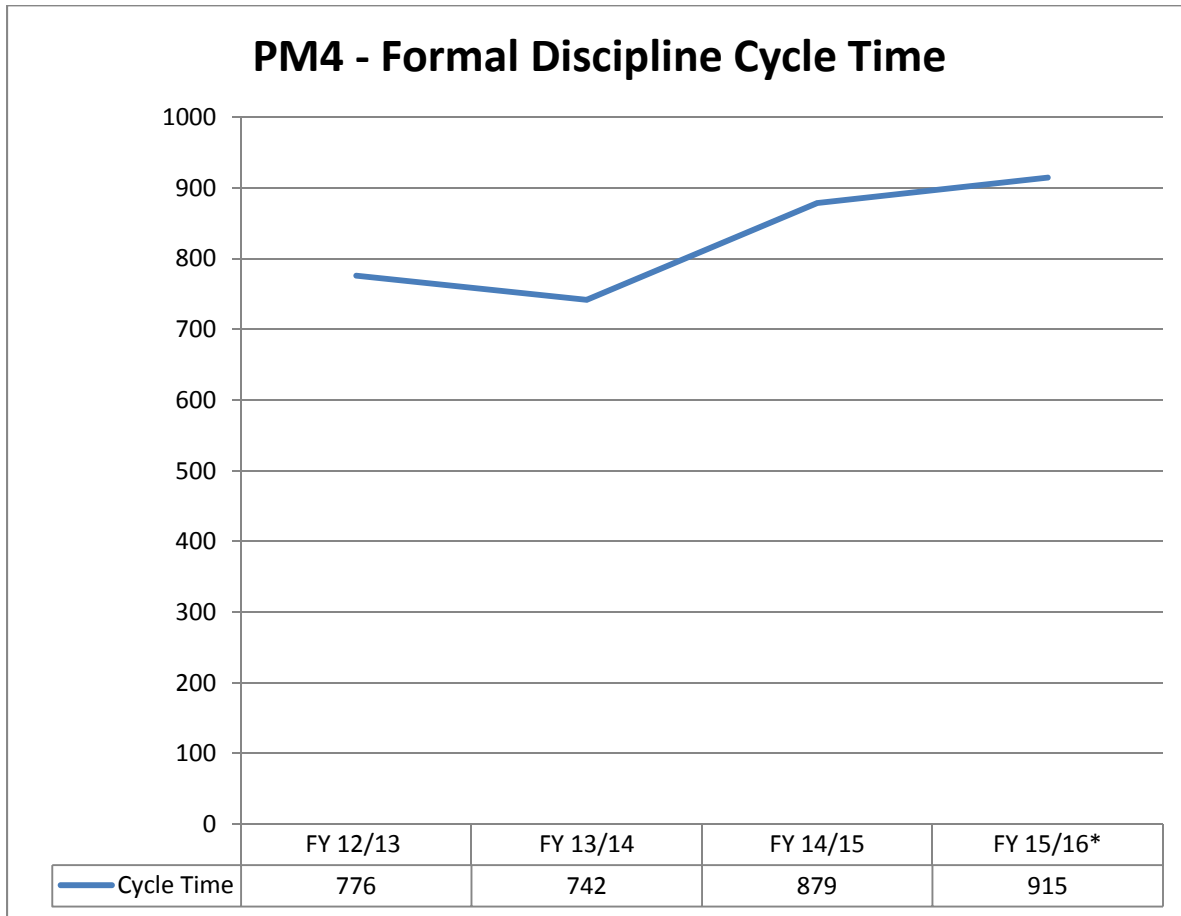


PM2 - Intake Cycle Time



PM3 - Intake and Investigation Cycle Time





Medical Board of California Expert Reviewer Program Report

April 1, 2016

ATTACHMENT A

SPECIALTY	Number of Cases reviewed by Experts January 1 through March 31, 2016	Number of Experts and how often Utilized from January 1 through March 31, 2016	Active List Experts 1,060 ↓
<i>ADDICTION</i>	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH	8 ↓
ALLERGY & IMMUNOLOGY (A&I)			3
ANESTHESIOLOGY (Anes)			81 ↑
COLON & RECTAL SURGERY (CRS)	1	1 EXPERT 1 LIST EXPERT	2 ↓
<i>COMPLEMENTARY/ALTERNATIVE MEDICINE</i>	3	1 EXPERT 1 LIST EXPERT REVIEWED 3 CASES	17 ↓
DERMATOLOGY (D)	3	2 EXPERTS 1 LIST EXPERT REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASES	12
EMERGENCY (EM)	1	1 EXPERT 1 LIST EXPERT	43 ↓
FAMILY (FM)	17	11 EXPERTS 8 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASE 1 LIST EXPERT REVIEWED 3 CASE 1 LIST EXPERT REVIEWED 4 CASE	64 ↑
<i>HAND SURGERY</i>			11
<i>HOSPICE & PALLIATIVE MEDICINE</i>			14
INTERNAL (General Internal Med)	16	15 EXPERTS 14 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASES	148 ↓
Cardiovascular Disease (Cv)	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH	33
Endocrinology, Diabetes and Metabolism (EDM)			6
Gastroenterology (Ge)	1	1 EXPERT 1 LIST EXPERT	18 ↓
Infectious Disease (Inf)			8
Medical Oncology (Onc)	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH	11
Nephrology (Nep)	1	1 EXPERT 1 LIST EXPERT	11
Pulmonary Disease (Pul)			16

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April 1, 2016

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Rheumatology (Rhu)			5
MIDWIFE REVIEWER			3 ↓
NEUROLOGICAL SURGERY (NS)			10
NEUROLOGY (N)	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH	21
NEUROLOGY with Special Qualifications in Child Neurology (N/ChiN)			3
NUCLEAR MEDICINE (NuM)			4
OBSTETRICS & GYNECOLOGY (ObG)	5	5 EXPERTS 5 LIST EXPERTS REVIEWED 1 CASE EACH	64 ↑
OCCUPATIONAL MEDICINE			8 ↑
OPHTHALMOLOGY (Oph)	1	1 EXPERT 1 LIST EXPERT	27 ↑
ORTHOPAEDIC SURGERY (OrS)	6	5 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE EA 1 LIST EXPERT REVIEWED 2 CASES	29 ↓
OTOLARYNGOLOGY (Oto)			17
PAIN MEDICINE (PM)	8	6 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE EACH 2 LIST EXPERTS REVIEWED 2 CASES EACH	29 ↑
PATHOLOGY (Path)			12
PEDIATRICS (Ped)	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE EACH	46
Pediatric Cardiology (Cd)	1	1 EXPERT 1 LIST EXPERT	5
<i>Pediatric Cardiothoracic Surgery</i>			0
Pediatric Emergency Medicine (PEM)			3
Pediatric Endocrinology (En)			1
Pediatric Gastroenterology (Ge)			5

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April 1, 2016

ATTACHMENT A

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Pediatric Hematology-Oncology (HO)			3
Pediatric Infectious Diseases (Inf)			4
Pediatric Nephrology (Ne)			2
Pediatric Pulmonology (Pul)			0
Pediatric Rheumatology (Rhu)			0
PHYSICAL MEDICINE & REHABILITATION (PMR)			10
PLASTIC SURGERY (PIS)	6	6 EXPERTS 5 LIST EXPERTS REVIEWED 1 CASE EACH 1 LIST EXPERT REVIEWED 2 CASES	38 ↑
PSYCHIATRY (Psyc)	18	12 EXPERTS 7 LIST EXPERTS REVIEWED 1 CASE EACH 3 LIST EXPERTS REVIEWED 2 CASES EACH 1 LIST EXPERT REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 4 CASES	66 ↓
RADIOLOGY (Rad)	1	1 EXPERT 1 LIST EXPERT	28
Radiation Oncology (Rad RO)			5
SLEEP MEDICINE (S)			7
SURGERY (S)	3	3 EXPERTS 3 LIST EXPERTS	27 ↓
Pediatric Surgery (PdS)			2
Vascular Surgery (VascS)			5 ↓
THORACIC SURGERY (TS)			9 ↓
(MEDICAL) TOXICOLOGY			7
UROLOGY (U)	1	1 EXPERT 1 LIST EXPERT	13 ↑

TOTAL CASES REVIEWED (1 ST QUARTER)	91
TOTAL EXPERTS UTILIZED (1 ST QUARTER)	76
TOTAL ACTIVE LIST EXPERTS (4/1/2016)	1,060

↓↑ Numbers fluctuate based on availability of experts, new experts added and experts removed from active status.





MEDICAL BOARD OF CALIFORNIA
Executive Office



February 19, 2016

ATTACHMENT C

On behalf of the fifteen members of the Medical Board of California (Board), it is with great pleasure that I write this letter to express our gratitude for your interest and willingness to be an Expert Reviewer for the Board.

Your hard work and dedication in reviewing investigative cases, on top of fulfilling your obligation to serve in the health care community as a licensed practitioner, is noble. We understand that it is your commitment to preserving the integrity of the health care field that motivates you to remain in the program. Without your participation, it would be an on-going challenge for the Board to find experts to assist with reviewing quality of care cases to determine whether there has been a departure in the standard of care in the community. Your role as an expert reviewer is a key component of the investigative and enforcement functions of the Board because your opinion, and sometimes testimony, is highly weighted when it comes to determining whether patients have been harmed by negligent practitioners or to refute allegations of wrong-doings performed by colleagues in the profession.

One facet of a successful program is to provide the participants with proper training. Expert reviewer training is essential, because it sharpens the skills needed to write clear, concise, and comprehensive reports. In addition, it provides techniques for communicating effectively and appropriately when testifying. The training also provides the participants with a forum to share their ideas on how to strengthen the program so it remains in alignment with the Board's mission of providing consumer protection. Accordingly, whether you are an experienced expert with the Board, or new to the program, the Board's Expert Reviewer Training provides invaluable information to improve your skills as a medical expert.

The next Board sponsored Expert Reviewer Training will be held on **March 19, 2016**, at the University of California, San Diego School of Medicine. You may enroll by emailing the Expert Reviewer Program at MBCMedicalExpertProgram@mbc.ca.gov or by calling (818) 551-2129. I ask that you attend this training because by doing so, you are solidifying your commitment to the program and taking a pledge to be part of a platform that needs your support to remain steadfast when it comes to producing high quality Expert Reviewer services.

Sincerely,

David Serrano-Sewell, J.D.
Board President

CURRENT

Department of Consumer Affairs
MEDICAL BOARD OF CALIFORNIA
Enforcement Program
Discipline Coordination Unit
Complaint Investigation Office
Central Complaint Unit
Probation Unit
April 12, 2016

Executive Director
629-110-7003-001

Chief of Enforcement
629-170-7500-002

EXPERT REVIEWER PROGRAM

Associate Governmental
Program Analyst
629-170-5393-020
629-170-5393-816

PROBATION UNIT
(See separate chart)

Staff Services Manager II
629-170-4801-999

Staff Services Manager II
629-170-4801-001

DISCIPLINE COORDINATION UNIT
Staff Services Manager I
629-170-4800-003

TBD
Supervising Special
Investigator
629-170-8549-999
VACANT (re-class SI)

COMPLAINT INVESTIGATION OFFICE
Supervising Special
Investigator
629-170-8549-999

QUALITY OF CARE SECTION
Staff Services Manager I
629-170-4800-005

QUALITY OF CARE SECTION
Staff Services Manager I
629-170-4800-006

PHYSICIAN CONDUCT/INTAKE SECTION
Staff Services Manager I
629-170-4800-002

Data Integrity Program
Associate
Governmental Program
Analyst
629-170-5393-813

Discipline Coordination

Staff Services Analyst
629-170-5157-003
629-170-5157-026
629-170-5157-035
Associate Governmental
Program Analyst
629-170-5393-007
629-170-5393-010
629-170-5393-013
629-170-5393-814

TBD

Special Investigator
629-170-8612-999
629-170-8612-999
629-170-8612-999
629-170-8612-999 (.5)

Complaint Investigation

Special Investigator
629-170-8612-999
629-170-8612-999
629-170-8612-999
629-170-8612-999
629-170-8612-999
629-170-8612-999

Quality of Care Section

Staff Services Analyst
629-170-5157-016
629-170-5157-031 (.5)
629-170-5157-033
629-170-5157-036
Associate Governmental
Program Analyst
629-170-5393-011
629-170-5393-805
629-170-5393-812

Quality of Care Section

Office Technician (Typing)
629-170-1139-011
629-170-1139-999
Staff Services Analyst
629-170-5157-807
Associate Governmental
Program Analyst
629-170-5393-019 (.5)
629-170-5393-021
(Bi-Lingual)
629-170-5393-810
629-170-5393-811
629-170-5393-815
629-170-5393-XXX
VACANT

Physician Conduct/Intake Section

Management Services
Technician
629-170-5278-001
629-170-5278-002
629-170-5278-004
629-170-5278-008
629-170-5278-999
VACANT
Staff Services Analyst
629-170-5157-027
629-170-5157-808
629-170-5157-809
Associate Governmental
Program Analyst
629-170-5393-016

Medical Consultant Program

Staff Services Analyst
629-170-5157-015
629-170-5157-907
Limited Term VACANT
Associate
Governmental
Program Analyst
629-170-5393-018

Support Staff Services and Central Files
Office Technician (Typing)
629-170-1139-004
629-170-1139-013
Management Services
Technician
629-170-5278-006

Public Disclosure
Staff Services Analyst
629-170-5157-022

Special Projects
Student Assistant
629-170-4870-907
629-170-4870-907
Associate Governmental
Program Analyst
Retired Annuitant VACANT
629-170-5393-907

*SUPERVISING SPECIAL INVESTIGATOR (SSI)
SPECIAL INVESTIGATOR (SI)*

ALL MBC POSITIONS DESIGNATED CORI

Executive Director or Designee

Date

Personnel Analyst

Date