

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: October 8, 2014
ATTENTION: Members, Medical Board of California
SUBJECT: Enforcement Program Summary
STAFF CONTACT: Kimberly Kirchmeyer, Executive Director

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 952 experts in the Board's expert database. 321 experts were utilized to review 490 cases in the first three quarters of calendar year 2014. **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
- Addiction Psychiatry
- Dermatology
- Hematology/Oncology
- Hematology/Oncology with experience in stem cell transplantation
- Neurology
- Neurosurgery
- Pain Medicine
- Spine Surgery
- Urology
- Medical Toxicology
- Pathology (statewide)
- Pediatric Surgery
- Surgery
- Thoracic Surgery
- Vascular Surgery (Board Certified in Vascular Surgery)

Staffing Update:

The Enforcement Program, now consisting of the Central Complaint Unit, Complaint Investigation Office, Discipline Coordination Unit, and Probation Unit following the transition of the investigators to the Department of Consumer Affairs, is close to being fully staffed. The Central Complaint Unit currently has one vacant clerical position, and a vacant Staff Services Manager I position. The Discipline Coordination Unit is currently recruiting for three vacancies, one clerical support staff person, one Staff Services Analyst, and one Associate Analyst. The Probation Unit is attempting to fill one vacant clerical support position in Southern California, and a vacant Inspector I position in Northern California. The Complaint Investigation Office is fully staffed.

Susan Cady, Staff Services Manager II in the Enforcement Program, retired September 30, 2014. Ms. Cady's contributions to the Board's Enforcement Program were beyond compare and she will be greatly missed. Ms. Cady was instrumental in a reorganization of the Board's Central Complaint Unit, resulting in increased efficiencies and decreases in the complaint processing times. In addition, Ms. Cady has done a

significant amount of work in the Probation Unit ensuring policies and procedures were completed in order to ensure consistency statewide. The Board thanks Ms. Cady for her service to the Board.

Complaint Investigation Office (CIO):

The six (6) Special Investigators (non-sworn) within the Board's Complaint Investigation Office (CIO) are each currently assigned 25-30 cases. Since the establishment of the unit in June 2014, CIO staff has completed approximately ten (10) subject interviews and transmitted five (5) cases to the AG's office. All five (5) cases transmitted, two (2) convictions and three (3) Petitions for Reinstatement, have been accepted. The unit has closed 145 cases. CIO has also obtained access to DMV and Lexis Nexis, and secured an evidence account from DCA. The funds from the evidence account will be used to purchase documents such as death certificates, court documents, coroner's reports, medical records, etc., in order to assist the Special Investigators with their investigations.

In addition to accomplishing the tasks above, each Special Investigator has successfully completed two training courses, Regulatory Investigative Techniques presented by Los Rios Community College, and Interviewing Techniques for Investigators and Inspectors, which was conducted by DCA's SOLID Training Unit. The Special Investigators are also scheduled to attend the National Certified Investigator and Inspector Training organized by the Council on Licensure, Enforcement and Regulation (CLEAR), DCA's Enforcement Academy, and DCA's Property and Evidence Room Management. The Supervising Special Investigator has also conducted in-house training for staff on topics such as report writing, interviewing, the various Enforcement case types they will investigate (i.e., medical malpractice cases, arrests/convictions, Petitions for Reinstatement), the Administrative/Disciplinary process, and the Board's Enforcement Program as a whole.

Transition:

Board staff continues to work with DCA on the transition of the investigators to the Department of Consumer Affairs Health Quality Investigative Unit (HQIU) to ensure the Board and the DCA are in compliance with the Memorandum of Understanding.

Statistics:

Unfortunately the Board still does not have access to reports that identify timeframes for the processing of complaints, investigations, or disciplinary actions. However, the Board was able to obtain a report for the number of complaints received. In FY 13-14 the Board received 8,476 complaints. This is an increase of 1,017 complaints from FY 12-13. Although the exact reason for the significant increase cannot be determined, it could be due to several factors, most notably, the implementation of the BreEZe system. With the BreEZe system, individuals have the ability to submit a complaint online. This makes the filing of a complaint easier and therefore this could be one reason for the increase. Another reason that has been identified is that, due to some of the difficulty of using the system, individuals are submitting duplicate complaints. The individual may submit one complaint and then need to send more information on that complaint. Rather than adding to the previously submitted complaint, the individual sends in a whole new complaint. In addition, it appears that some individuals have submitted a complaint in writing and then submit one online. Whatever the reasons, this is a substantial increase in the staff's workload, as even duplicate complaints require staff time. The Board will monitor FY 14-15 to determine if this increase is an anomaly or if it is a continuing trend and, if necessary, the Board will submit a BCP for additional staff.

**Medical Board of California
Expert Reviewer Program Report**

**CASES BY SPECIALTY SENT FOR REVIEW
UTILIZATION OF EXPERTS BY SPECIALTY
ACTIVE LIST EXPERTS BY SPECIALTY
10/1/2014**

SPECIALTY	Number of cases sent to Experts / reviewed (January- September)	Number of Experts Utilized (January-September)	Active List Experts 10.1.14 952↑
<i>ADDICTION</i>	4	3 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES	9 ↓
ALLERGY & IMMUNOLOGY (A&I)			3 ↓
ANESTHESIOLOGY (Anes)	15	12 EXPERTS 8 LIST EXPERTS REVIEWED 1 CASE 2 LIST EXPERTS REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 4 CASES	75 ↑
COLON & RECTAL SURGERY (CRS)	1	1 EXPERT 1 LIST EXPERT	3
<i>COMPLEMENTARY/ALTERNATIVE MEDICINE</i> * COMPANION CASES	9	3 EXPERTS 1 LIST EXPERT REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 5 CASES*	21 ↑
<i>CORRECTIONAL MEDICINE</i>			25
DERMATOLOGY (D) * COMPANION CASES	13	5 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 6 CASES*	8 ↓
EMERGENCY (EM)	14	9 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE 4 LIST EXPERTS REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES	50 ↑
FAMILY (FM) * COMPANION CASES ** INCLUDED PREPARATION/TESTIMONY OF CASES PREVIOUSLY REVIEWED	59	26 EXPERTS 11 LIST EXPERTS REVIEWED 1 CASE 5 LIST EXPERTS REVIEWED 2 CASES 4 LIST EXPERTS REVIEWED 3 CASES 3 LIST EXPERTS REVIEWED 4 CASES 2 LIST EXPERTS REVIEWED 6 CASES* 1 LIST EXPERT REVIEWED 11 CASES**	79 ↑

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INTERNAL (General Internal Med) <i>*INVOLVED A COMPANIONS CASE; SUPPLEMENTAL WORK AND PREPARATION FOR HEARING</i>	53	36 EXPERTS 23 LIST EXPERTS REVIEWED 1 CASE 9 LIST EXPERTS REVIEWED 2 CASES 2 LIST EXPERTS REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 4 CASES 1 LIST EXPERT REVIEWED 7 CASES*	173 ↓
Cardiovascular Disease (Cv) <i>*EXPERT WITH CONSISTENT POSITIVE FEEDBACK OF REVIEWS</i>	13	12 EXPERTS 11 LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 7 CASES*	33
Endocrinology, Diabetes and Metabolism (EDM)	4	2 EXPERTS 1 LIST EXPERT REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES	6 ↓
Gastroenterology (Ge)	4	4 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE	19
Infectious Disease (Inf)	2	2 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE	11
Medical Oncology (Onc)			11 ↓
Nephrology (Nep)			9
Rheumatology (Rhu)			7
MIDWIFE REVIEWER	3	2 EXPERTS 1 LIST EXPERT REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES	6
NEUROLOGICAL SURGERY (NS) <i>* COMPANION CASES</i>	16	7 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE 1 OFF LIST EXPERT REVIEWED 2 CASES 2 LIST EXPERTS REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 5 CASES*	9

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NEUROLOGY (N)	14	7 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES 2 LIST EXPERTS REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 4 CASES	22 ↓
NEUROLOGY with Special Qualifications in Child Neurology (N/ChiN)			3 ↑
NUCLEAR MEDICINE (NuM)			5
OBSTETRICS & GYNECOLOGY (ObG) * COMPANION CASES & PREPARATION FOR HEARING **EXPERT WITH CONSISTENT POSITIVE FEEDBACK OF REVIEWS	55	35 EXPERTS 22 LIST EXPERTS REVIEWED 1 CASE 4 LIST EXPERTS REVIEWED 2 CASES 4 LIST EXPERTS REVIEWED 3 CASES 2 LIST EXPERT REVIEWED 4 CASES 2 LIST EXPERTS REVIEWED 5 CASES* 1 LIST EXPERT REVIEWED 7 CASES**	74 ↑
<i>OCCUPATIONAL MEDICINE</i>			8
OPHTHALMOLOGY (Oph)	9	8 EXPERTS 1 OFF LIST EXPERT REVIEWED 1 CASE 6 LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 3 CASES	28 ↓
<i>ORAL & MAXILLOFACIAL SURGERY</i>			1
ORTHOPAEDIC SURGERY (OrS)	15	12 EXPERTS 8 LIST EXPERTS REVIEWED 1 CASE 2 LIST EXPERTS REVIEWED 2 CASES 2 LIST EXPERTS REVIEWED 3 CASES	31 ↑
OTOLARYNGOLOGY (Oto)	5	3 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 3 CASES	18

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PAIN MEDICINE (PM) <i>* COMPANION CASES AND SHORT LIST OF REVIEWERS</i>	48	18 EXPERTS 6 LIST EXPERTS REVIEWED 1 CASE 3 LIST EXPERTS REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES 5 LIST EXPERTS REVIEWED 4 CASES 1 LIST EXPERT REVIEWED 5 CASES* 2 LIST EXPERTS REVIEWED 6 CASES*	28 ↑
PATHOLOGY (Path)	3	3 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE	10 ↑
PEDIATRICS (Ped)	4	4 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE	49 ↑
PHYSICAL MEDICINE & REHABILITATION (PMR)	3	3 EXPERTS 3 LIST EXPERTS REVIEWED 1 CASE	9
PLASTIC SURGERY (PIS)	19	10 EXPERTS 4 LIST EXPERTS REVIEWED 1 CASE 3 LIST EXPERTS REVIEWED 2 CASES 2 LIST EXPERTS REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 5 CASES	48 ↓
PSYCHIATRY (Psyc) <i>*INCLUDED FITNESS FOR DUTY EVALUATIONS</i>	79	48 EXPERTS 3 OFF LIST EXPERTS REVIEWED 1 CASE 22 LIST EXPERTS REVIEWED 1 CASE 14 LIST EXPERTS REVIEWED 2 CASES 4 LIST EXPERTS REVIEWED 3 CASES 2 LIST EXPERTS REVIEWED 4 CASES 2 LIST EXPERTS REVIEWED 6 CASES* 1 LIST EXPERT REVIEWED 8 CASES*	75 ↓
RADIOLOGY (Rad)	11	8 EXPERTS 5 LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES 2 LIST EXPERTS REVIEWED 3 CASES	37

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<i>RADIATION ONCOLOGY</i>			4
SLEEP MEDICINE (S)			9
SURGERY (S)	27	19 EXPERTS 10 LIST EXPERTS REVIEWED 1 CASE 6 LIST EXPERTS REVIEWED 2 CASES 2 LIST EXPERTS REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 4 CASES	35
Vascular Surgery (VascS)	6	4 EXPERTS 2 LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES 1 LIST EXPERT REVIEWED 3 CASES	9
THORACIC SURGERY (TS) <i>*COMPANION CASES</i>	9	3 EXPERTS 1 LIST EXPERT REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 3 CASES 1 LIST EXPERT REVIEWED 5 CASES*	15 ↓
<i>(MEDICAL) TOXICOLOGY</i>	3	3 EXPERTS 2 OFF LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 1 CASE	5
UROLOGY (U)	8	7 EXPERTS 6 LIST EXPERTS REVIEWED 1 CASE 1 LIST EXPERT REVIEWED 2 CASES	16

TOTAL CASES SENT: JANUARY-SEPTEMBER, 2014	490
TOTAL LIST EXPERTS UTILIZED: JANUARY-SEPTEMBER, 2014	321
TOTAL ACTIVE LIST EXPERTS: OCTOBER 1, 2014	952