

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: July 18, 2011

ATTENTION: Executive Committee Members

SUBJECT: Strategic Planning

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EXECUTIVE SUMMARY: Preparation for the Strategic Planning process

As you know, the Board will be initiating a strategic planning process soon. In order to make that process as efficient as possible, we are attempting to prepare as much as we can before the Board meets for its discussions.

In order to gain insight into the members' opinions and ideas, I was asked by the President and Executive Director to survey the members. To date, nine members have been interviewed (5 physicians and 4 public members). Members were asked about their opinions of the Board's 2008 Strategic Plan, what they would like to see the Board strive for in the future, and their ideas about the process. In addition, I was asked to survey staff for their ideas, as well as two former Executive Directors.

In the past month of interviews and surveys, most voiced their desire to develop a plan that is practical, consistent with the Board's legislative mandates, and that all objectives adopted should be measureable.

On July 11, the Strategic Planning Committee (Barbara Yaroslavsky and Sharon Levine, M.D.) met with staff to discuss the results of the interviews and organize the issues to be discussed at the July 27 Executive Committee meeting. The information below represents what was gathered in the interviews and staff surveys, as well as what was ultimately identified by the Committee.

Mission:

The mission adopted in the 2008 plan:

"The mission of the Medical Board of California is to protect healthcare consumers through proper licensing and regulation of physicians and surgeons and certain allied healthcare professions and through the vigorous, objective enforcement of the Medical Practices Act, and to promote access to quality medical care through the Board's licensing and regulatory functions."

The majority of the interviewed members was comfortable with the adopted Mission and did not think it needed to be amended. Four of the 9 members, however, thought that the portion "and to promote access to quality medical care through the Board's licensing and regulatory functions," should be discussed. The concerns voiced were:

- The Board cannot ensure quality care; it can only promote a minimum standard for licensing and cannot know the quality of any physician's care – it is only known when the quality is poor enough to warrant a complaint, a mandatory report or disciplinary action.
- The Board's mission is to license and discipline physicians, and if done properly, it may produce better quality care. It would be better to focus under specific initiatives, rather than place it in the mission.
- Under current funding and staffing restraints, the Board must focus on what it is mandated to do. It is not clear that access to care is part of the Board's mandate.
- It's impossible to promote access to quality care, as the Board has only a small part of contributing to that outcome. (Insurance, Medicare and Medicaid, hospitals, specialty boards, training programs, and the like have far more influence over access to quality of care.)

The members voicing concern about this portion of the mission did not feel strongly that it should be removed, but they were of the opinion that it should be discussed. It may be interesting to note that this portion of the mission was added in 2008, and was not part of the Board's previous mission statements.

Since the mission statement states "promote" not ensure or require, the subcommittee felt it was appropriate to leave the mission statement as is.

Goals:

The goals adopted in the 2008 Strategic Plan were:

1. Professional Qualifications: *Promote the professional qualifications of medical practitioners by setting requirements for education, experience, and examination, taking into account the states need for more physicians, particularly in underserved populations and promoting physician wellness.*
2. Regulations and enforcement: *Protect the public by effectively enforcing laws and standards to deter violations.*
3. Consumer Education: *Increase Public Awareness of Board's Mission, activities and services.*
4. Organizational Relationships: *Improve effectiveness of relationships with related organizations to further Board's Mission and goals.*
5. Organizational Effectiveness: *Enhance organizational effectiveness and systems to improve service.*

All of the members were of the opinion that these goals were fine, and none needed to be eliminated or added. Some thought that the goal relating to "Professional Qualifications" however, should be discussed so that it might be more specifically defined. The members had various ideas as to what that goal meant. Some thought it may relate to wellness, others to educational standards, and so forth. In general, most members felt that dealing with educational standards and maintaining professional qualifications and competence was within the mission of the Board, but issues surrounding wellness may be better pursued by other organizations.

Although no members felt the need to add any goals, in speaking to them about their ideas for objectives, it would appear that another goal might be warranted. As you will see from the members' ideas for objectives, many of them do not neatly fit under the current five goals, and would be better suited under a goal relating to access to care, workforce, and the promotion of public health. The Strategic Planning Committee suggested adding a sixth goal.

"Consumer Education" also needs to be amended to "Consumer and Professional Education" because since this goal was adopted in 2008, it has morphed into education of the profession as well.

For all of these reasons, after meeting with the Strategic Planning Committee members, it would appear the following proposed goals would be more in line with the current membership's vision for future objectives:

Proposed amendments to the 2008 goals to be adopted in the 2012 plan:

1. **Professional Qualifications:** Promote the professional qualifications of medical practitioners by setting requirements for education, experience, and examination. ~~taking into account the states need for more physicians, particularly in underserved populations and promoting physician wellness.~~
2. **Regulations and enforcement:** Protect the public by effectively enforcing laws and standards to deter violations.
3. **Consumer and Professional Education:** Increase Public Awareness of Board's Mission, activities and services.
4. **Organizational Relationships:** Improve effectiveness of relationships with related organizations to further Board's Mission and goals.
5. **Organizational Effectiveness:** Evaluate and enhance organizational effectiveness and systems to improve service.
6. **Access to Care, Workforce, and Public Health:** Understanding the implications of Health Care Reform and evaluating how it may impact access to care and issues surrounding healthcare delivery, as well as promoting public health, as appropriate to the Board's mission.

Members were asked to prioritize the Board's current goals. Many said that professional qualifications (if defined as minimum educational, training, and examination requirements, as well as continued competence) and licensing and regulation were number 1, and really inextricable from each other. Others felt that education was of greatest importance. (It doesn't matter how good a job you do if no one knows to avail themselves of your services, or knows the rules of what is expected.) Others thought that organizational effectiveness was most important, because if the Board's operations couldn't work effectively, it couldn't enforce the law, promote professional qualifications, or educate.

Objectives:

The board and staff had the following ideas that could be incorporated into new objectives for the 2012 plan. They've been categorized under the proposed six goals, although many cross-over and could be categorized under multiple goals. I've attempted to capture all of the relevant comments and the opinions of the Strategic Planning Committee. Once the planning process begins, members may want to re-categorize or divide the ideas into separate objectives.

1. *Professional Qualifications: Promote the professional qualifications of medical practitioners by setting requirements for education, experience, and examination.*
 - Examine and identify methods to ensure physicians remain current.
 - Current CME should be examined. The Board should invite organizations that accredit CME (such as the ACCME, IMQ, or ABMS Boards and their member societies) to educate the members on how requirements have changed, what is required for course accreditation, what is done to ensure compliance, and so forth. In addition, the whole concept, practice, and the requirements should be evaluated to determine if they are relevant to keeping physicians current, including elements of the training that promote education in cultural issues that affect medical practice.

- Establish a committee to examine the FSMB Maintenance of Licensure initiative to study what should be adopted in California, and how it can collaborate with the FSMB and ABMS certifying boards.
- Conduct a comprehensive review of international schools, and identify those that may need site visits or additional information. Also, names and locations should be updated in instances where schools have moved and changed their names. Part of this review should include an update of the schools' application process, updating the surveys and evaluations, determining if application fees cover the Board's cost, and identifying ways to expedite the approval process.

2. *Regulations and enforcement: Protect the public by effectively enforcing laws and standards to deter violations.*

- Conduct a complete review of all laws and regulation to identify which are no longer relevant, and what needs to be added or eliminated. Identify requirements that may no longer be necessary to the safety of practice but may be serving as barriers for qualified applicants, as well as simply updating requirements to be congruent with current educational environments.
- Conduct a complete review of all laws and regulations relating to enforcement to identify those that are no longer useful, and augment those that are needed for public protection. Identify the Board's regulatory authority for promulgating new regulations and also identify those issues that require legislation.
- Conduct a review of the Vertical Enforcement model to assure uniform implementation in all offices and identify any redundancies that are increasing cost without producing benefits. Part of this review should include examining enforcement timelines to identify areas which delay the process.

- Examine complaint handling priorities. Educate members on how complaints are prioritized, as well as the legislatively mandated priorities. Determine if there is a need to change the priorities.
- Study disciplinary cases to identify trends or issues that may signal dangerous practices or risks. Study the possible expansion of authority for chart review to identify patterns of dangerous practice.
- Examine the Expert Reviewer Program and policies to determine how it may be improved, including recruitment, evaluation of experts, opportunities for education, and policies governing the Board's use of experts.
- Study Administrative Law Judges' decisions to determine if the quality and outcomes can be improved, including identifying educational opportunities for experts and judges.
- Work to clarify the Board's responsibility to regulate Outpatient Surgery Centers, and obtain the resources to be effective.
- Examine Board responsibilities that could be eliminated or moved to a more appropriate board, bureau, or program. (Midwives, Registered Dispensing Opticians, Research Psychoanalysts, approval of non-ABMS specialty boards, etc.)

3. *Consumer and Professional Education: Increase Public and Professional Awareness of Board's Mission, activities and services.*

- Improve and expand professional educational outreach about the laws and regulations that govern medical practice. Utilize the website and newsletters to inform licensees of issues relating to legal responsibilities, changes in law and regulation, practice patterns and tools (telemedicine, translation methods and opportunities, etc.), issues of public health and cultural and linguistic literacy. Assist physicians with complying with the law. Initiate programs to promote the Board's information and programs to its licensees. If resources permit, send every physician a new handbook with license renewals (at present, they are only sent to new licensees). Perhaps

re-establish a speakers' bureau, expand the newsletter, and conduct outreach to various organizations such as hospitals and practice groups.

- Improve public education by expanding current outreach efforts and initiating more outreach programs to educate the public on the Board's programs, the rights of patients, and how to file complaints.
- Identify more effective methods to promote the Expert Reviewer Program to recruit qualified physicians.
- Evaluate the appropriateness and effectiveness of the Physician Recognition Award, and the methods used to promote nominations.
- Establish a more assertive approach in communicating with the media to educate consumers and publicize disciplinary cases and criminal investigations, including those done in cooperation with other agencies.
- Expand the newsletter to better educate physicians, if the cost is not too great.
- Expand the Board's website to create a portal that provides an intuitive and searchable web experience. Develop more online services and surveys to help improve the Board's programs.
- Examine how the Board might provide training to the profession via the Internet, including hosting webinars on subjects of importance to public protection and public health.
- Establish a method of holding public briefings taught by legal or enforcement personnel on disciplinary cases, the laws violated, and other issues of importance to the profession and public.

4. Organizational Relationships: *Improve effectiveness of relationships with related organizations to further Board's Mission and goals.*

- Improve relationships with elected officials and their staffs. Build and tighten collaborative relationships to work toward common goals— create partnerships on areas of common interests.

- Work with California medical schools and training programs on common needs and goals. Create a better partnership with them on educational issues beyond licensing requirements, such as those relating to professionalism, ethics, unprofessional behavior, etc.
- Work to establish better relationships with the accreditation agencies, associations representing hospitals and medical groups, professional associations and societies, the Federation, and other state agencies.
- Improve educational outreach to hospitals, health systems, and similar organizations about the Board and its programs. Educate the profession not only about the Medical Board, but all of the health boards in DCA. Re-establish a speakers' bureau or some other outreach for this purpose.

5. Organizational Effectiveness: Evaluate and enhance organizational effectiveness and systems to improve service.

- Conduct a review of the all outside agencies' billing (Department of Consumer Affairs, Attorney General, Office of Administrative Hearings, etc.) to identify redundancies, save money, and promote better efficiency.
- Conduct an annual review of all of the Committees established by the Board to determine if they are still needed, if they are fulfilling the purpose for which they were established, and determine if they should continue, be eliminated, or be merged with other committees.
- Evaluate and enhance organizational effectiveness through the establishment of criteria for a periodic self-evaluation procedure.
- Establish a means of better educating staff about the Board's activities and priorities set by the membership, including encouraging field staff to attend Board meetings.
- Establish a means of better educating the Board membership about operational activities by providing tours of headquarters, district or

regional offices when they are at or near the location for Board meetings.

6. *Access to Care, Workforce, and Public Health: Understanding the implications of Health Care Reform and evaluating how it may impact access to care and issues surrounding healthcare delivery, as well as promoting public health, as appropriate to the Board's mission.*

- Educate the Board on the new healthcare reform law and how it may impact physicians' practice, workforce (possible shortages), and utilization of allied healthcare professionals.
- Identify appropriate methods to deal with the new practice environment created by healthcare reform, such as examining methods to deal with workforce shortages (scope of practice of physician extenders, telemedicine to assist with specialty shortages, licensing requirements, and so forth.)
- In general, examine methods, and identify issues and areas in which the Board may assist in promoting better public health.

Objectives in the 2008 Strategic Plan:

A copy of the 2008 plan is attached. As you will see, the Board in 2008 had many of the same concerns. While the Board worked on some of the objectives, many of them were not developed fully or measured (or able to be measured). Similar to the suggestions of this Board, the 2008 plan included the objectives to:

- Develop a plan for addressing access to care and the shortage of doctors that is appropriate to the board's Mission and resources.
- Ensure international medical schools meet the Board's requirements for recognition.
- Improve education about the Board and its services to consumers including obtaining information on physicians.

- Establish a plan to include board members in meetings with legislators and other key stakeholders on various legislative proposals.
- Develop consumer and licensee focused educational programs made available on-line from the board's Website to provide easy access statewide.

If it is the will of the members, any of the objectives from the 2008 plan may be included into the 2012 plan. (Although to be useful, most of them will need to be amended into something that has the potential to be measured or evaluated.)

Future Work to be Completed by the Executive Committee and Board:

At the Executive Committee's Wednesday, July 27th meeting, staff will ask the members to review the mission, goals, ideas and suggestions in this report and identify those they think have merit to pursue. Specifically, the staff will ask which ideas should be developed into objectives and to assign a priority to them.

After Wednesday's meeting, staff will incorporate the issues identified by the members, and create an outline for discussion at the Board meeting on Friday, July 29th. The full Board membership will be given an opportunity to provide input on the ideas presented.

Between the July and October Board meetings, another Executive Committee meeting will be scheduled to work on refining the plan outline. If a consensus has been reached, there will be a half-day meeting scheduled with the full Board in October. Staff is anticipating that the full membership will reach a consensus on most of the important issues at the October meeting, enabling staff to present a fully written plan for adoption at the February 2012 Board meeting.

¹ As the president requested, a questionnaire was sent to all staff. They were asked to respond to set questions that required a narrative response. In addition, they were asked to share ideas and suggestions for the strategic plan and the board's operation in general. As to be expected, many of the suggestions were of a more organizational/procedural nature, and those responses have been supplied to program chiefs (suggestions to provide better or different equipment, the need for more staff, etc.). Suggestions that were appropriate to a strategic plan were included in the "objective" portions of this report.

What was evident from reviewing the responses is that Executive staff could do more communication/education of various programs, including the budget process, and informing field staff of what is being done in Sacramento. It was also evident that our staff is sincere and dedicated to their mission to perform their role in public protection.

Executive staff will work to improve communication with staff and to address, and incorporate when appropriate, the more functional suggestions. The Board, however, may find interesting and consider some of the comments made by staff as they relate to broader issues of priorities and policy.

2008



Medical Board of California

Strategic Plan 2008

MEDICAL BOARD OF CALIFORNIA

STRATEGIC PLAN 2008

Developed 2008

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Protecting the Public
Promoting Wellness

INTRODUCTION

The Medical Board of California (Board) is mandated to make public protection its first priority. This mandate is articulated in Business and Professions Code Section 2001.1, which states:

Protection of the public shall be the highest priority for the Medical Board of California in exercising its licensing, regulatory, and disciplinary functions.

While the mandated functions of the Board generally fall into two categories, licensing and discipline, there are other, more broadly defined issues relating to healthcare that impact the protection of the public. Acknowledging that California's healthcare landscape is ever changing, that the current environment of healthcare delivery is under great strain, and that the business of medicine may contribute to preventing access to healthcare or promote substandard care, this plan addresses issues beyond the simple issuing of licenses and rendering of disciplinary actions.

MISSION

The Mission of the Medical Board of California is to protect healthcare consumers through proper licensing and regulation of physicians and surgeons and certain allied healthcare professions and through the vigorous, objective enforcement of the Medical Practices Act, and, to promote access to quality medical care through the Board's licensing and regulatory functions.

GOALS AND OBJECTIVES

Professional Qualifications

Promote the professional qualifications of medical practitioners by setting requirements for education, experience, and examinations, taking into account the states needs for more physicians, particularly in underserved populations; and promoting physician wellness.

Regulations and Enforcement

Protect the public by effectively enforcing laws and standards to deter violations.

Consumer Education

Increase public awareness of Board's Mission, activities and services.

Organizational Relationships

Improve effectiveness of relationships with related organizations to further Board's Mission and goals.

Organizational Effectiveness

Enhance organizational effectiveness and systems to improve service.

Goal 1: Professional Qualifications

Promote the professional qualifications of medical practitioners by setting requirements for education, experience, and examinations, taking into account the state's need for more physicians, particularly in underserved populations; and promoting physician wellness.

Objectives

- Assure greater compliance of CME requirements.
Measure: Improve compliance with CME requirements.
- Develop a plan for addressing access to care and the shortage of doctors that is appropriate to the Board's Mission and resources.
Measure: Determine impact of the Board's plan to address access to healthcare.
- Create a plan to assist in addressing medical errors as appropriate to the Board's Mission and resources.
Measure: Development of an educational program to inform medical students and physicians of medical errors and consequences with a recommendation of this as curriculum or CME.
- Develop an on-line educational program on cultural and linguistic competency.
Measure: Determine the number of physicians using this program to enhance their skills and satisfaction with the course.
- Ensure that qualified internationally trained physicians are allowed to obtain license exemption under Business and Professions Code 2168 through the work of the Special Programs Review Committee.
Measure: Site audits indicate these physicians are compliant with regulation and a decrease of complaints on this group.
- Ensure international medical schools meet the Board's requirements for recognition.
Measure: Site inspections indicate compliance.
- Promote physician wellness by providing an on-line educational programs and links to other resources.
Measure: Determine the number of physicians using these resources.

Goal 2: Regulation and Enforcement

Protect the public by effectively enforcing laws and standards to deter violations.

Objectives

- Submit vertical enforcement report to the Legislature by December 2007 and implement the vertical enforcement model long term.
Measure: Report submitted and vertical enforcement model fully integrated including implementation of fully interoperable information technology software used by the Department of Justice.
- Evaluation of peer review study and address the issues identified.
Measure: Study is completed and recommendations are provided to the Board for review and possible action.
- Re-establish the Board's Operation Safe Medicine Unit to target unlicensed activity, corporate practice of medicine, and lack of supervision violations.
Measure: Track the number of complaints and outcomes to this unit.
- Restructure the Board's Probation Unit to transfer the monitoring of probations from investigators to inspectors. The investigators will be reassigned to the District Offices to decrease the length of time for investigations.
Measure: A decrease in the length of time to conduct investigations.

Goal 3: Consumer Education

Increase public awareness of the Board's Mission, activities and services.

Objectives

- Complete a study of the public disclosure laws and take actions necessary to address issues identified.
Measure: Study completed and any actions necessary have been identified.
- Recognition of excellence in medicine by California physicians
Measure: Ensure annual award of recognition given to recipient.
- Improve education about the Board and its services to consumers including obtaining information on physicians.
Measure: High levels of satisfaction reported by consumers who access educational material and other information on the Board's Web site.

Goal 4: Organizational Relationships

Improve effectiveness of relationships with related organizations to further the Board's Mission and goals.

Objectives

- Establish a plan to include board members in meetings with legislators and other key stakeholders on various legislative proposals.
Measure: Increase support of the Board's legislative proposals.
- Develop a plan for Supervising Investigators to meet with legislative staff in district offices.
Measure: Increased awareness of the Board by legislative district offices.

Goal 5: Organizational Effectiveness

Enhance organizational effectiveness and systems to improve service to constituents.

Objectives

- Develop better ways of assessing Board "customer satisfaction" and implement changes that would better serve applicants, licensees and the public.
Measure: High levels of satisfaction reported by customers who receive services or who access information on the Board's Web site.
- Reverse loss of investigators by addressing imbalances that are contributing to investigator retention problem. Perform a study to determine the difference in work performed and pay between Board investigators and investigators from other State boards/agencies.
Measure: Improve retention of Board investigators.
- Implement the restructuring of the Board to ensure greater communication and synergy between enforcement and licensing divisions of the Board.
Measure: Implementation is completed and all board members are educated regarding all Board issues.
- Perform a complete evaluation of the Licensing Program to identify areas for improvement.
Measure: Evaluation completed and any recommendations for efficiency are implemented.

- Coordinate relocation of the Board's headquarters facilities and staff to improve operational efficiencies and to improve customer service.
Measure: Consumers, staff and other interested parties have improved access to the Board's services.
- Develop consumer and licensee focused educational programs made available on-line from the Board's Web site to provide easy access statewide.
Measure: Determine the number of individuals using these services and satisfaction with the courses.
- Improve organizational business processes through replacement of current information technology systems with state of the art user-friendly fully interoperable information technology software.
Measure: When fully implemented staff reports significant improvement in business processes.

Conclusion

This plan seeks improve the efficiency and effectiveness of the Board to assure protection of the public and provide better service to licensees and consumers. This Board is also committed to making wellness of physicians a priority for the Medical Board of California.