#### MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: January 8, 2020

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.

## **Expert Reviewer Program:**

There are currently 829 active experts in the Board's expert database and 212 experts were utilized to review 400 cases from July 1, 2019 through December 31, 2019. (See Attachment). Advertisement for the following specialties will be in the Board's next newsletter:

- Addiction Medicine with added certification in Family Medicine or Internal Medicine, Psychiatry or other ABMS approved specialty
- Clinical Genetics
- Colon/Rectal Surgery
- Dermatology
- Family Medicine
- Endocrinology, Diabetes and Metabolism
- Gastroenterology
- Hematology
- Neurological Surgery
- Neurology
- Obstetrics and Gynecology
- Orthopaedic Surgery
- Pain Medicine
- Pathology (preferably from the following counties: Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, and Ventura)
- Pediatric Cardiac Surgery
- Pediatric Gastroenterology
- Pediatric Infectious Disease
- Pediatric Pulmonology
- Pediatric Surgery
- Plastic Surgery (face and body cosmetic surgery, Neograft hair transplant/FUE transplant and gender reassignment surgical procedures)
- Psychiatry (forensic and addiction)
- Radiation Oncology
- Surgery (general and endocrine Surgery)
- Thoracic and Cardiac Surgery

- Urology (general and gender Reassignment)
- Vascular Surgery
- Stem cell
- Midwifery reviewers

Expert reviewer training was held in Sacramento and Los Angeles in October and November 2019, respectively. A total of four expert reviewer training sessions were held in 2019. The first training session of 2020 is scheduled in February in Loma Linda, CA. The Expert Reviewer program is working to schedule additional training sessions in Southern California and the Bay Area. The dates and locations will be posted on the Board's website by next month.

The Board was successful last year in increasing the hourly rate for the Board's expert reviewers who complete training. The new hourly rates for trained expert reviewers went into effect on July 1, 2019. Building on this success, in the first quarter of 2020, the Program is conducting a full scale evaluation of the Expert Reviewer Program to assess efficiencies and possible restructure.

## **Central Complaint Unit:**

The average number of days to initiate a complaint in the Central Complaint Unit (CCU) is 14 days for the first half of FY 2019-2020, which is not within the timeframe mandated by Business and Professions Code section 129(b). The average number of days to initiate a complaint in December 2019 was 11 days. This is a decrease from an 18 day timeframe in October. The average days to complete the processing of a complaint in CCU is 153 days. CCU staff are focusing their efforts to initiate cases in less than ten days and reduce the aging of all case types.

In December 2019, the Program revised the work descriptions for its Management Services Technician (MST) classification in CCU, as well as the workload distribution for MSTs, in order to address and comply with statutory requirement to have cases initiated and acknowledged within ten days.

#### Complaint Investigation Office:

The Complaint Investigation Office (CIO) non-sworn investigators currently have a caseload of approximately 93 cases each. This increased caseload includes 333 of the 801 cases that are being processed by the CIO. Earlier this year, to assist the CCU, the CIO began processing 801 cases from the initial receipt of the case rather than after a determination of a violation by a medical consultant review. Since the last Program Summary to the Board, CIO has closed 88 cases and has transmitted 18 cases to the Attorney General's Office (AGO) - eight criminal conviction cases, four malpractice cases, three petitions for reinstatement of licensure, and two cases regarding inappropriate vaccination exemptions. There has also been one case referred for a violation of probation. Additionally, the CIO referred one case to the Board's Citation and Fine Program.

## **Discipline Coordination Unit:**

In the past quarter, the Discipline Coordination Unit (DCU) has hired five new staff. Prior to the December 31, 2019 retirement of the Unit's manager Valerie Moore, Mary Kathryn Cruz Jones was selected as the new manager of DCU. Ms. Cruz Jones began her transition to this role on December 16, 2019.

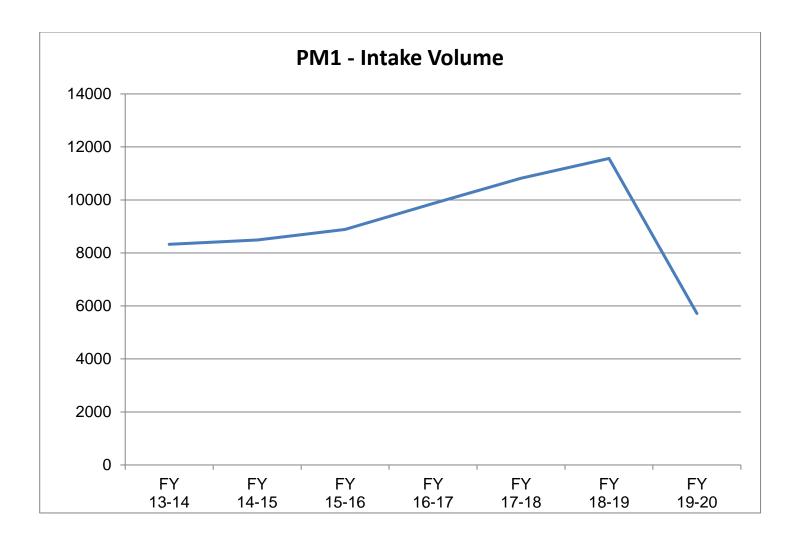
## **Probation Unit:**

The Probation Unit currently has two vacant inspector positions. The Program anticipates these positions will be filled by the end of March 2020.

## **Enforcement Performance Measures:**

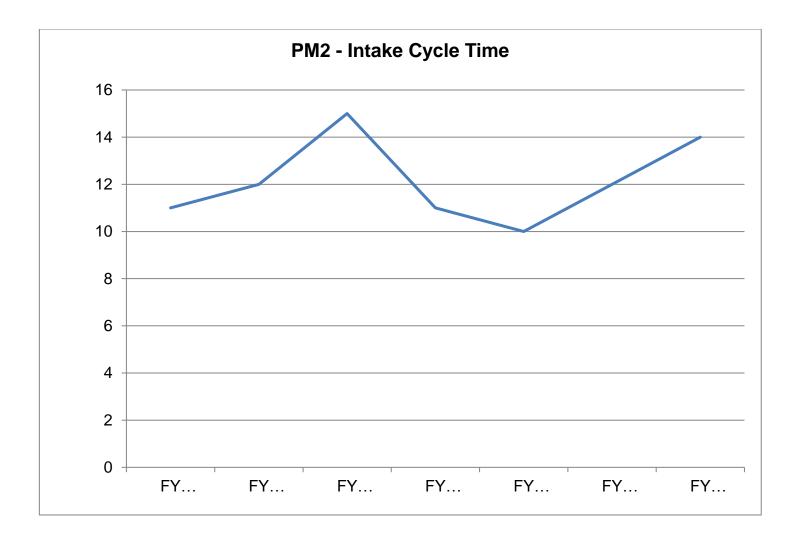
The charts on the following pages depict workload statistics regarding the number of complaints received, which includes complaints and arrest notifications (PM1), the average number of days to initiate a complaint and assign it to an analyst (PM2), the average number of days it takes to complete a case that has not been transmitted to the AGO for disciplinary action (PM3), and the average number of days it takes to complete a case that has been transmitted to the AGO for disciplinary action (PM4). PM7 captures the average number of days from when a probation inspector is assigned a case to when the inspector makes the initial telephone call to the probationer to set up the face-to-face intake interview. PM8 captures the average number of days from when a probation inspector confirms/supports with evidence that a violation of a term and condition of probation may have occurred to when management has provided approval for appropriate action to be taken for the violation of probation. Reports capturing PM7 and PM 8 statistics were implemented in July 2016, so only fiscal years 16/17, 17/18, 18/19, and 19/20 are reflected. Additionally, statistics for fiscal year 19/20 reflect results from July 1, 2019 to December 31, 2019.

# Medical Board of California Enforcement Program PM1 - Intake Volume



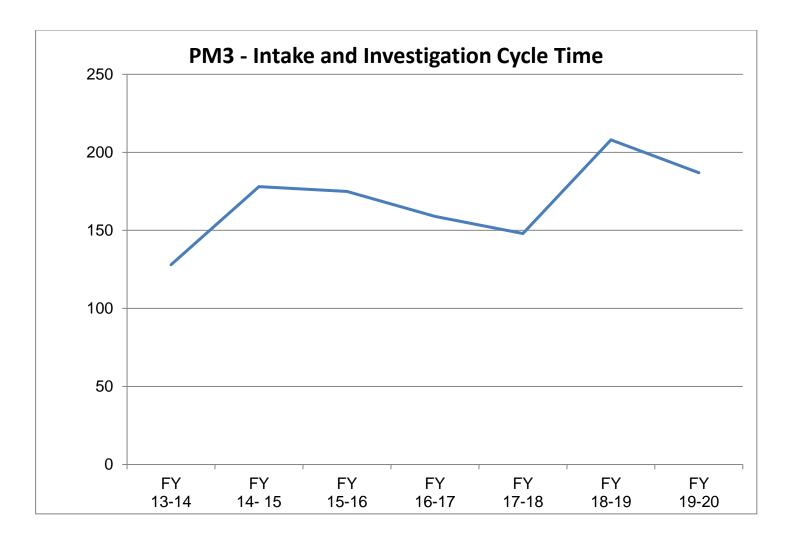
Month	FY						
	13-14	14-15	15-16	16-17	17-18	18-19	19-20
Volume	8325	8490	8885	9862	10817	11565	5716

# Medical Board of California Enforcement Program PM2 - Intake Cycle Time



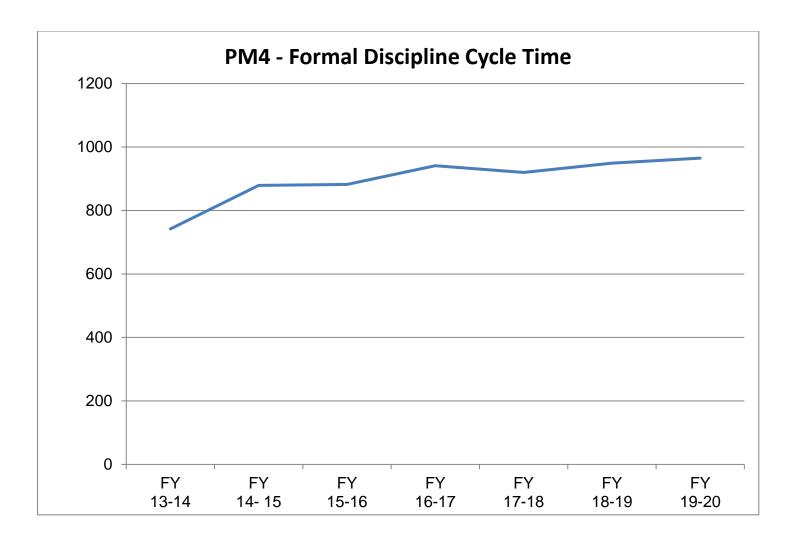
Month	FY	FY	FY	FY	FY	FY	FY
	13-14	14- 15	15-16	16-17	17-18	18-19	19-20
Cycle Time	11	12	15	11	10	12	14

# Medical Board of California Enforcement Program PM3 - Intake and Investigation Cycle Time



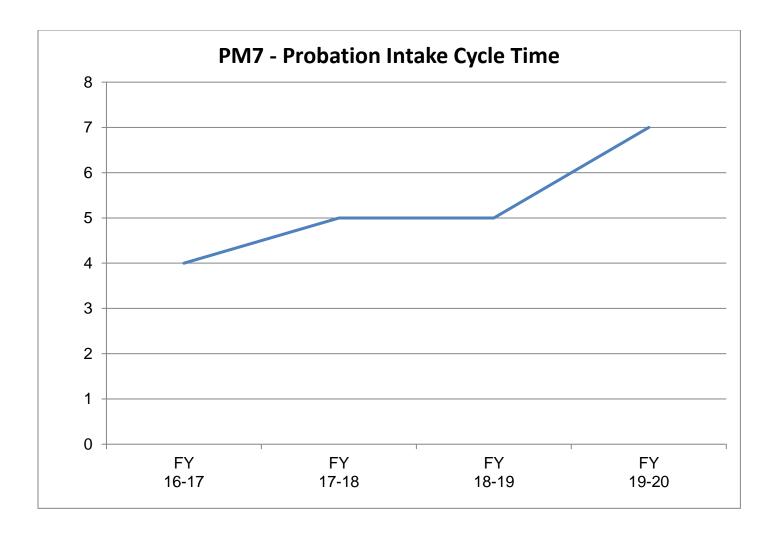
Month	FY	FY	FY	FY	FY	FY	FY
	13-14	14- 15	15-16	16-17	17-18	18-19	19-20
Cycle Time	128	178	175	159	148	208	187

# Medical Board of California Enforcement Program PM4 - Formal Discipline Cycle Time



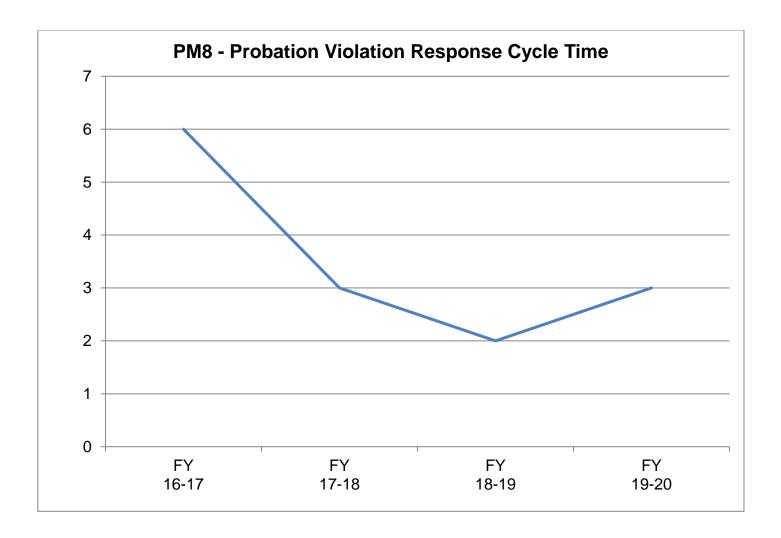
Month	FY	FY	FY	FY	FY	FY	FY
	13-14	14- 15	15-16	16-17	17-18	18-19	19-20
Cycle Time	742	879	882	941	920	949	965

# Medical Board of California Enforcement Program PM7 - Probation Intake Cycle Time



Month	FY	FY	FY	FY
	16-17	17-18	18-19	19-20
Cycle Time	4	5	5	7

# Medical Board of California Enforcement Program PM8 - Probation Violation Response Cycle Time



Month	FY	FY	FY	FY
	16-17	17-18	18-19	19-20
Cycle Time	6	3	2	3

## Medical Board of California Expert Reviewer Program Report

Utilization of Experts Fourth Quarter FY 2019-20

Specialty	Number of cases reviewed by Experts (July 1, 2019 through December 31,2019)	Number of Experts and how often utilized (July 1, 2019 through December 31,2019)	Active List Experts Total: 829↓
Addiction Medicine	3	2 Experts  • 1 list expert reviewed 1 case  • 1 list expert reviewed 2 cases	6↓
Allergy and Immunology	1	1 Expert  1 list expert reviewed 1 case	4↓
Anesthesiology	8	<ul> <li>8 Experts</li> <li>7 list experts reviewed 1 case each</li> <li>1 list expert reviewed 2 cases</li> </ul>	62↑
Colon and Rectal Surgery			3
Complementary/ Alternative Medicine			16↓
Dermatology	19	7 Experts  • 3 list experts reviewed 1 case each  • 2 list experts reviewed 2 cases each  • 1 list expert reviewed 4 cases  • 1 list expert reviewed 9 cases	9↓
Diagnostic Radiology			27
Emergency	14	<ul> <li>11 Experts</li> <li>9 list experts reviewed 1 case each</li> <li>1 list expert reviewed 2 cases</li> <li>1 list expert reviewed 3 cases</li> </ul>	46

Specialty	Number of cases reviewed by Experts (July 1, 2019 through December 31,2019)	Number of Experts and how often utilized (July 1, 2019 through December 31,2019)	Active List Experts Total: 829↓
Family Medicine	75	<ul> <li>28 Experts</li> <li>13 list experts reviewed 1 case each</li> <li>4 list experts reviewed 2 cases each</li> <li>4 list experts reviewed 3 cases each</li> <li>1 list expert reviewed 4 cases</li> <li>2 list experts reviewed 5 cases each</li> <li>2 list experts reviewed 6 cases each</li> <li>2 list experts reviewed 8 cases each</li> <li>2 list experts reviewed 8 cases each</li> </ul>	60↑
Internal Medicine (General Internal Medicine)	43	<ul> <li>24 Experts</li> <li>13 list experts reviewed 1 case each</li> <li>5 list experts reviewed 2 cases each</li> <li>4 list experts reviewed 3 cases each</li> <li>2 list experts reviewed 4 cases each</li> </ul>	86↓
Cardiology/ Cardiovascular Disease	6	3 Experts  • 2 list experts reviewed 1 case each  • 1 list expert reviewed 4 cases	23↓
Endocrinology, Diabetes and Metabolism	3	1 Expert  • 1 list expert reviewed 3 cases	5↓
Gastroenterology	3	2 Experts  1 list expert reviewed 1 case 1 list expert reviewed 2 cases	15↓
Infectious Disease	1	1 Expert  1 list expert reviewed 1 case	9

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Specialty	Number of cases reviewed by Experts (July 1, 2019 through December 31,2019)	Number of Experts and how often utilized (July 1, 2019 through December 31,2019)	Active List Experts Total: 829↓
Medical Oncology	2	2 Experts  • 2 list experts reviewed 1 case each	7↑
Nephrology	1	1 Expert  1 list expert reviewed 1 case	12↓
Pulmonary Disease	2	1 Expert  1 list expert reviewed 2 cases	19↑
Rheumatology			5
Medical Toxicology	1	1 Expert  1 list expert reviewed 1 case	1
Midwife Reviewer	1	1 Expert  1 list expert reviewed 1 case	10
Neurological Surgery	6	3 Experts  • 2 list experts reviewed 1 case each  • 1 list expert reviewed 4 cases	6
Neurology	12	7 Experts  • 4 list experts reviewed 1 case each  • 2 list experts reviewed 2 cases each  • 1 list expert reviewed 4 cases	21↓
Neurology with Special Qualifications in Child Neurology			3↑
Obstetrics & Gynecology	31	<ul> <li>18 Experts</li> <li>9 list experts reviewed 1 case each</li> <li>7 list experts reviewed 2 cases each</li> <li>1 list expert reviewed 3 cases</li> <li>1 list expert reviewed 6 cases</li> </ul>	63↓

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Specialty	Number of cases reviewed by Experts (July 1, 2019 through December 31,2019)	Number of Experts and how often utilized (July 1, 2019 through December 31,2019)	Active List Experts Total: 829↓	
Occupational Medicine	1	1 Expert  • 1 list expert reviewed 1 case	7	
Ophthalmology	1	1 Expert  1 list expert reviewed 1 case	25↓	
Orthopaedic Surgery	21	<ul> <li>14 Experts</li> <li>9 list experts reviewed 1 case each</li> <li>3 list experts reviewed 2 cases each</li> <li>1 list expert reviewed 3 cases</li> <li>1 list expert reviewed 4 cases</li> </ul>	26↓	
Otolaryngology	2	2 Experts  • 2 list experts reviewed 1 case each	17↓	
Pain Medicine	33	<ul> <li>16 Experts</li> <li>9 list experts reviewed 1 case each</li> <li>4 list experts reviewed 2 cases each</li> <li>1 list expert reviewed 3 cases</li> <li>1 list expert reviewed 4 cases</li> <li>1 list expert reviewed 10 cases</li> </ul>	14↓	
Pathology	1	1 Expert  1 list expert reviewed 1 case	11	
Pediatrics	4	4 Experts  • 4 list experts reviewed 1 case each	57↓	

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Specialty	Number of cases reviewed by Experts (July 1, 2019 through December 31,2019)	Number of Experts and how often utilized (July 1, 2019 through December 31,2019)	Active List Experts Total: 829↓
Pediatric Gastroenterology	1	1 Expert  1 list expert reviewed 1 case	6
Pediatric Infectious Disease	3	2 Experts  1 list expert reviewed 1 case 1 list expert reviewed 2 cases	4
Physical Medicine and Rehabilitation	4	3 Experts  • 2 list experts reviewed 1 case each  • 1 list expert reviewed 2 cases each	7↓
Plastic Surgery	26	<ul> <li>12 Experts</li> <li>3 list experts reviewed 1 case each</li> <li>5 list experts reviewed 2 cases each</li> <li>3 list experts reviewed 3 cases each</li> <li>1 list expert reviewed 6 cases</li> </ul>	31↓
Psychiatry	64	23 Experts  8 list experts reviewed 1 case each 5 list experts reviewed 2 cases each 3 list experts reviewed 3 cases each 4 list experts reviewed 4 cases each 1 list expert reviewed 5 cases 1 list expert reviewed 8 cases 1 list expert reviewed 10 cases	70
Addiction Psychiatry	10	5 Experts  • 3 list experts reviewed 1 case each  • 1 list expert reviewed 3 cases  • 1 list expert reviewed 4 cases	10↓

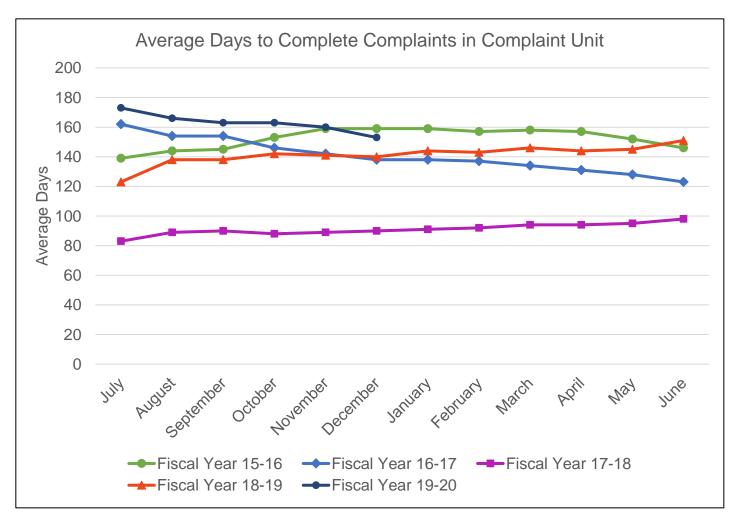
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Specialty	Number of cases reviewed by Experts (July 1, 2019 through December 31,2019)	Number of Experts and how often utilized (July 1, 2019 through December 31,2019)	Active List Experts Total: 829↓
Psychology Examiner	7	<ul> <li>5 Examiners</li> <li>3 list examiners evaluated 1 case each</li> <li>2 list examiners evaluated 2 cases each</li> </ul>	26↑
Radiation Oncology	2	1 Expert  1 list expert reviewed 2 cases	3
Surgery	15	5 Experts  1 list expert reviewed 1 case 1 list expert reviewed 2 cases 1 list expert reviewed 3 cases 1 list expert reviewed 4 cases 1 list expert reviewed 6 cases	40↓
Pediatric Surgery	1	1 Expert  1 list expert reviewed 1 case	3
Vascular Surgery	3	2 Experts  1 list expert reviewed 1 case 1 list expert reviewed 2 cases	5↓
Thoracic And Cardiac Surgery	1	1 Expert  1 list expert reviewed 1 case	8↓
Urology	3	3 Experts  • 3 list experts reviewed 1 case each	15↓

SUMMARY OF CASES REVIEWED AND EXPERTS UTILIZED	TOTALS
July 1, 2019 through December 31, 2019	
Total Cases Reviewed (July 1, 2019 through December 31, 2019)	400
Total Experts Utilized (July 1, 2019 through December 31, 2019)	212
Total Active List Experts (January 2, 2020)	829

 $<sup>\</sup>downarrow \uparrow$  Numbers fluctuate based on availability of experts, new experts added and experts removed from active status.

# Medical Board of California Enforcement Program Average Days to Complete Complaint in Complaint Unit

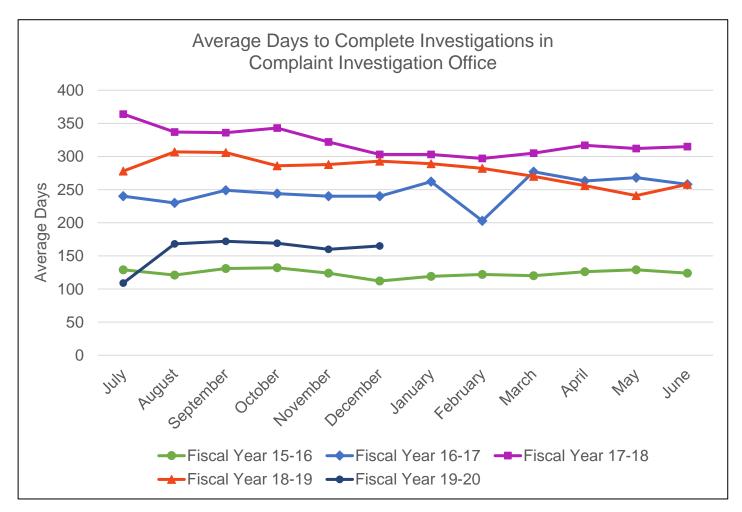
Month	Fiscal Year 15-16	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19	Fiscal Year 19-20
July	139	162	83	123	173
August	144	154	89	138	166
September	145	154	90	138	163
October	153	146	88	142	163
November	159	142	89	141	160
December	159	138	90	140	153
January	159	138	91	144	
February	157	137	92	143	
March	158	134	94	146	
April	157	131	94	144	
May	152	128	95	145	
June	146	123	98	151	



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. Includes physician and surgeon data only.

# Medical Board of California Enforcement Program Average Days to Complete Investigations in Complaint Investigations Office

	Fiscal Year				
Month	15-16	16-17	17-18	18-19	19-20
July	129	240	364	278	109
August	121	230	337	307	168
September	131	249	336	306	172
October	132	244	343	286	169
November	124	240	322	288	160
December	112	240	303	293	165
January	119	262	303	289	
February	122	203	297	282	
March	120	277	305	270	
April	126	263	317	256	
May	129	268	312	241	
June	124	258	315	258	

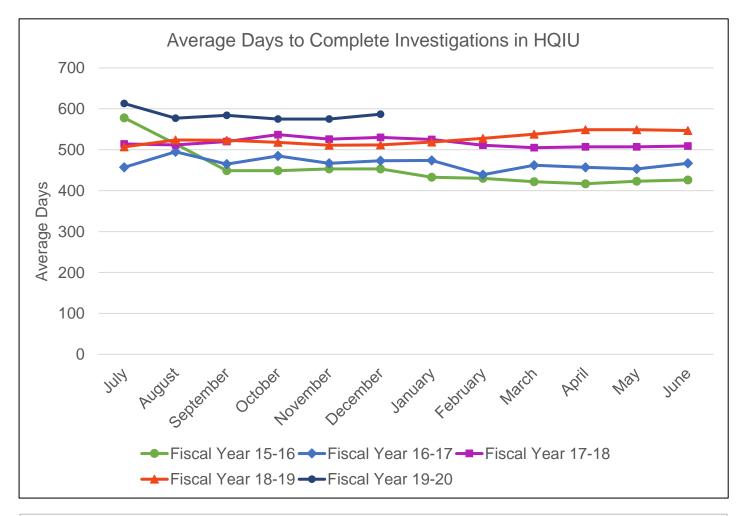


Investigation processing days are from the date case was assigned to Complaint Investigation Office (CIO) Investigator by Complaint Unit until closure or referral (does not include Complaint Unit processing days for complaints completed at CIO). Includes physician and surgeon data only.

## Medical Board of California Enforcement Program Average Days to Complete Investigations in HQIU

Fiscai Year	Fiscal Year	Fiscai Year	Fiscai Year	Fiscai Year
15-16	16-17	17-18	18-19	19-20
578	457	514	507	613
514	495	512	524	577
449	465	520	523	584
449	485	537	518	575
453	467	526	511	575
453	473	530	512	587
433	474	525	519	
430	439	511	528	
422	462	505	538	
417	457	507	549	
423	453	507	549	
426	467	509	547	
	578 514 449 449 453 453 433 430 422 417 423	15-16     16-17       578     457       514     495       449     465       449     485       453     467       453     473       430     439       422     462       417     457       423     453	15-16         16-17         17-18           578         457         514           514         495         512           449         465         520           449         485         537           453         467         526           453         473         530           433         474         525           430         439         511           422         462         505           417         457         507           423         453         507	15-16         16-17         17-18         18-19           578         457         514         507           514         495         512         524           449         465         520         523           449         485         537         518           453         467         526         511           453         473         530         512           433         474         525         519           430         439         511         528           422         462         505         538           417         457         507         549           423         453         507         549

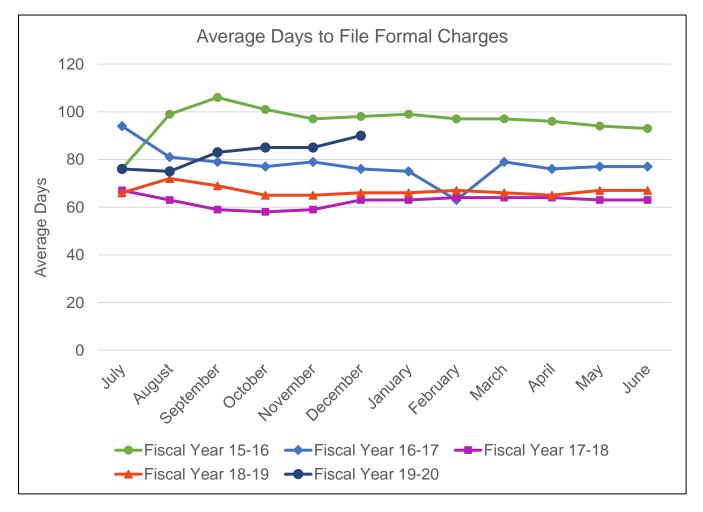
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Effective 7/1/18 investigation processing days are from the date the case was referred to HQIU until closure or referral (this does not include Complaint Unit processing days for complaints completed at HQIU). This includes post-investigation processing time by HQIU, and review time by the Attorney General and Board after the investigation is completed, which is an average of 21 days through September 2019. Includes physician and surgeon data only.

# Medical Board of California Enforcement Program Agenda Item 6B Average Days to File Administrative Charges Prepared by the Office of the Attorney General

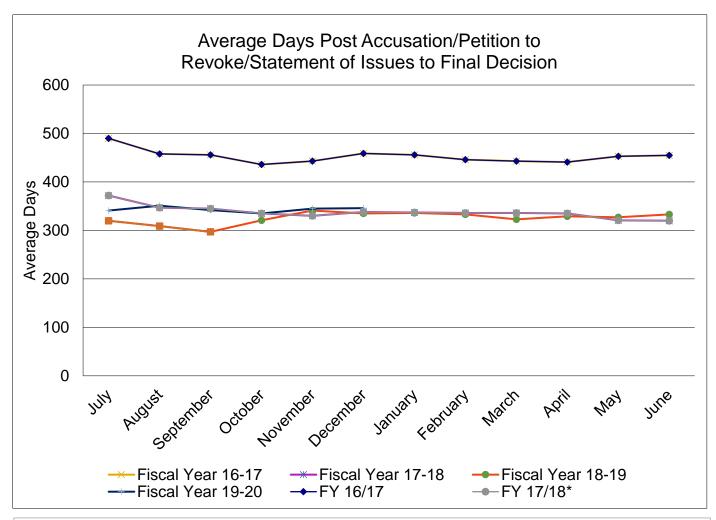
	Fiscal Year				
Month	15-16	16-17	17-18	18-19	19-20
July	76	94	67	66	76
August	99	81	63	72	75
September	106	79	59	69	83
October	101	77	58	65	85
November	97	79	59	65	85
December	98	76	63	66	90
January	99	75	63	66	
February	97	63	64	67	
March	97	79	64	66	
April	96	76	64	65	
May	94	77	63	67	
June	93	77	63	67	



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.

Medical Board of California Enforcement Program Agenda Item 6B
Average Days from Post Accusation/Petition to Revoke/Statement of Issues
to Final Decision

	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year
Month	16-17	17-18	18-19	19-20
July	490	372	320	341
August	458	347	309	351
September	456	345	297	342
October	436	335	321	335
November	443	330	341	345
December	459	338	335	346
January	456	337	336	
February	446	336	333	
March	443	336	323	
April	441	335	329	
May	453	321	327	
June	455	320	333	



Average Days from Accusation, Petition to Revoke or Statement of Issues filed to final decision. \*The version of this report included records that were correctly documented in the legacy system but were incorrectly converted into the BreEZe system. This resulted in changes to the average days. Includes physician and surgeon data only.

## **ENFORCEMENT TIMEFRAMES**

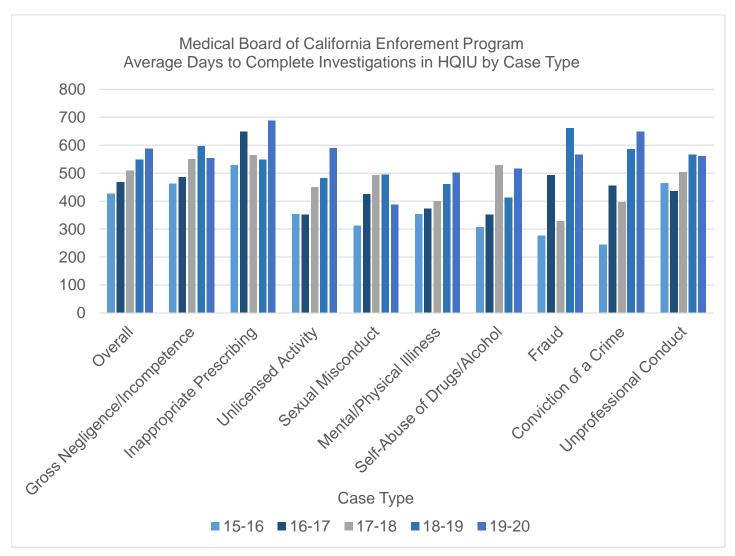
Fiscal Year	15-16 Average	15-16 Median	16-17 Average	16-17 Median	17-18 Average	17-18 Median	18-19 <sup>1</sup> Average	18-19 <sup>1</sup> Median	19-20 <sup>2</sup> Average	19-20 <sup>2</sup> Median
COMPLAINT PROCESSING	146	119	123	89	98	58	151	122	153	108
INVESTIGATION PROCESSING - MBC - CIO (Complaint Investigation Office)	124	52	258	203	316	251	258	127	165	140
INVESTIGATION PROCESSING - HQIU (Health Quality Investigation Unit)	426	367	467	431	510	483	547	502	587	583
TOTAL MBC & HQIU DAYS	230	155	141	104	119	68	179	141	167	124
TOTAL MBC & HQIU YEARS	0.63	0.42	0.39	0.28	0.33	0.19	0.49	0.39	0.46	0.34
AG PREP - Attorney General Preparation for Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues	93	67	77	62	63	51	67	55	90	72
POST - Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues	453	378	455	368	322	285	333	311	346	327
ACCUSATION DECLINED BY AG	56	31	25	14	114	19	53	32	45	26
TOTAL AG DAYS	479	393	473	328	327	286	339	312	349	337
TOTAL AG YEARS	1.31	1.08	1.30	0.90	0.90	0.78	0.93	0.85	0.96	0.92
TOTAL MBC & AG DAYS	967	919	1034	1040	926	939	1016	1057	1044	1055
TOTAL MBC & AG YEARS	2.65	2.52	2.83	2.85	2.54	2.57	2.78	2.90	2.86	2.89

Includes physican and surgeon data only.

Years calculated using 365 days per year

<sup>1</sup> Effective 7/1/18 investigation processing days are from the date the case was referred to HQIU for investigation until closure or referral (this does not include Complaint Unit processing days for complaints completed at HQIU).

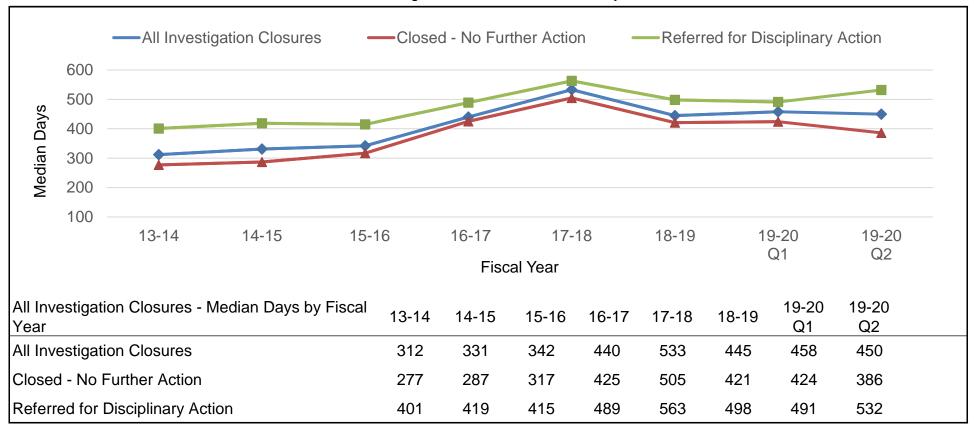
<sup>&</sup>lt;sup>2</sup> Data through 12/31/19



Case Type by Fiscal Year	15-16	16-17	17-18	18-19	19-20
Overall	426	467	509	548	587
Gross Negligence/Incompetence	463	485	549	597	554
Inappropriate Prescribing	529	649	564	548	688
Unlicensed Activity	353	351	450	482	589
Sexual Misconduct	313	425	493	494	388
Mental/Physical Illiness	354	373	399	460	501
Self-Abuse of Drugs/Alcohol	307	351	528	413	516
Fraud	277	492	328	661	566
Conviction of a Crime	245	455	396	585	649
Unprofessional Conduct	464	435	504	565	561

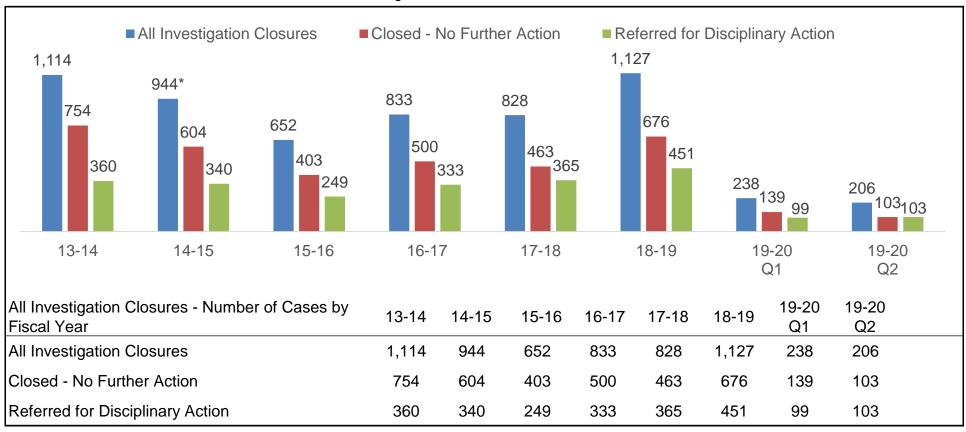
Effective 7/1/18 investigation processing days are from the date the case was referred to HQIU until closure or referral (this does not include Complaint Unit processing days for complaints completed at HQIU). This includes post-investigation processing time by HQIU, and review time by the Attorney General and Board after the investigation is completed, which is an average of 21 days through December 2019. Includes physician and surgeon data only.

# Medical Board of California - Enforcement Program All Investigation Closures - Median Days\*



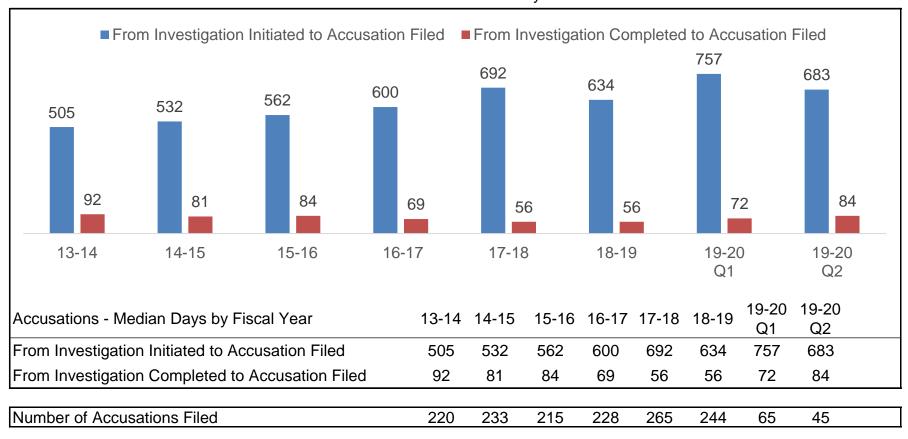
<sup>\*</sup>Median days - From the date the case was assigned to the Investigator/Deputy Attorney General to closure or referral to the Attorney General's Office for prosecution.

# Medical Board of California - Enforcement Program All Investigation Closures - Number of Cases

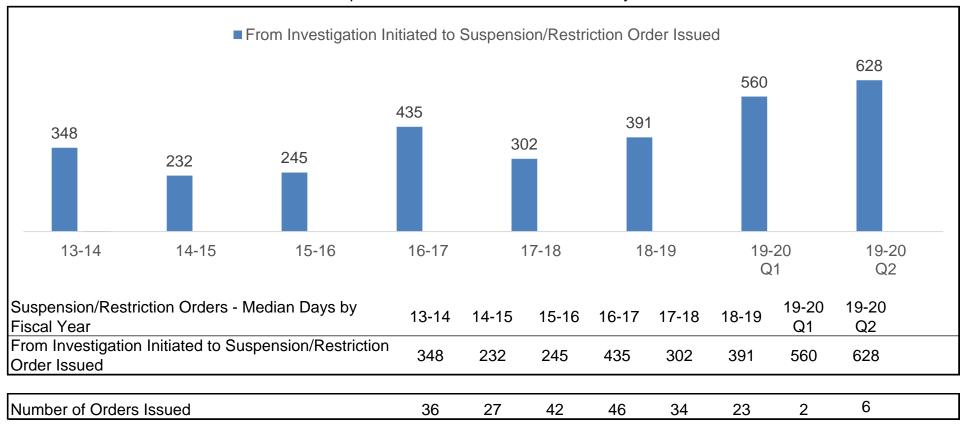


<sup>\*</sup>This decrease is due to the Board initiating, in July 2014, a complaint investigation office of non-sworn special investigators who began investigating cases that would have been sent to HQIU.

## Medical Board of California - Enforcement Program Accusation - Median Days

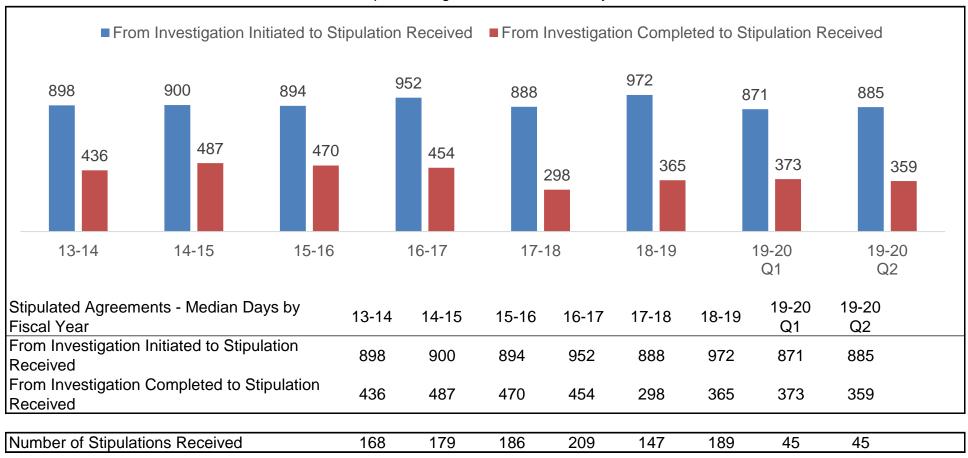


# Medical Board of California - Enforcement Program Suspension/Restriction Order - Median Days\*

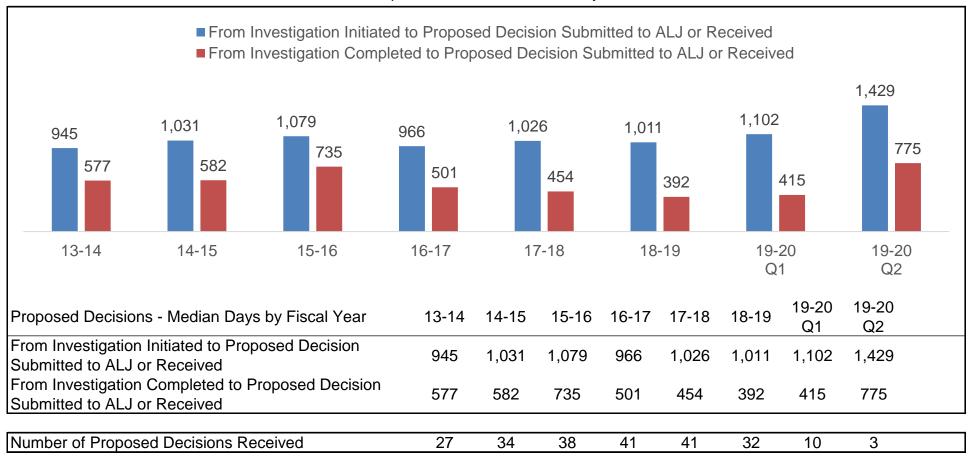


<sup>\*</sup>This data includes: interim suspension orders, Penal Code section 23 restrictions, stipulated agreements to restrictions/suspension, and temporary restraining orders. It does not include out-of-state suspension orders, automatic

## Medical Board of California - Enforcement Program Stipulated Agreement - Median Days



## Medical Board of California - Enforcement Program Proposed Decision - Median Days



## Medical Board of California - Enforcement Program Default Decision - Median Days

