

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: April 6, 2020
ATTENTION: Members, Medical Board of California
SUBJECT: Enforcement Program Summary
STAFF CONTACT: Jenna Jones, Chief of Enforcement

Requested Action:

Provide the Members with an update on the Enforcement Program at the Medical Board of California (Board). No action is needed at this time.

In response to the Coronavirus (COVID-19) pandemic, the Enforcement Program was successful in providing telework options for staff, either full time or through shift work. The Enforcement management team is reviewing file processing procedures and the information technology resources needed to achieve a paperless business model for the long term. COVID-19 has truly been a unique and unprecedented experience. It has allowed the Board to evaluate the Enforcement Program's workflows and processes. As a result, the Board will measure and evaluate the outcomes and then implement changes where needed.

I commend the Enforcement staff for their dedication to protecting the consumers of California during the COVID-19 public health emergency. Staff have remained steadfast in processing and completing investigations even though they have faced a number of challenges created by COVID-19.

The Enforcement Program continues to work with DCA's HQIU to improve the investigation process. We are working diligently with HQIU to address concerns with timeliness and quality of investigations so that case aging cycles can get significantly closer to where they were before the investigators were transferred from the Medical Board to the Division of Investigation in 2014. We also continue to seek ways to streamline the processing and transmittal of the cases from HQIU to MBC to the Attorney General's Office.

Expert Reviewer Program:

As reported at the January meeting, the Expert Reviewer Program is a top priority this year. Our 2020 goal for the program includes a plan to improve the knowledge and training of the experts while refining and improving the expert opinions that are used to determine the outcome of investigations. It is now mandatory that all experts attend the 8-hour training course. Expert reviewer training was held in Los Angeles (Loma Linda) in February 2020. Additional expert training is scheduled in Los Angeles in September and in San Mateo in October. We are considering a webinar-based training for the future.

There are currently 819 active experts in the Board's expert database. An advertisement for the following specialties will be in the Board's Spring 2020 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

Central Complaint Unit:

For the first three quarters of FY 2019-2020, the average number of days to initiate a complaint in the Central Complaint Unit (CCU) is 13. This is three days more than the 10-daytime frame mandated by Business and Professions Code section 129(b). During the month of March 2020, due to a revision in the initiation process, CCU lowered the average days to initiate a complaint to an average of 9 days, which is one day less than the mandated time frame. We expect that average will decrease even further in the upcoming final quarter of this fiscal year as the newly implemented process change is further refined. The average number of days to complete the processing of a complaint

in CCU is 137 days. This is an improvement of 16 fewer days since the last quarter. CCU staff are doing an excellent job of reducing the aging of all case types. There are currently three vacancies in the CCU unit.

Complaint Investigation Office:

The Complaint Investigation Office (CIO) of non-sworn investigators currently have a caseload of approximately 45 cases each. This figure does not include over 200 cases that CIO took on to assist CCU with B&P 801 cases last summer. Since the last enforcement summary, CIO has closed 87 cases and has transmitted 21 cases to the Attorney General's Office (AGO). Of the transmittals for administrative action, ten were criminal conviction cases; ten were 801 cases, and one petition for reinstatement of licensure. Additionally, the CIO referred two cases to the Board's Citation and Fine Program. CIO is currently recruiting for one Special Investigator vacancy.

Discipline Coordination Unit:

Since the last enforcement summary, management filled two Associate Governmental Program Analyst positions within the Discipline Coordination Unit (DCU). These individuals are currently being trained on their new duties.

DCU is making a number of changes to the processing of cases, forms and their workflow. The unit has recently completed a significant reorganization of the file room that serves the entire Enforcement program. This enormous and arduous task will serve to benefit the entire agency.

DCU currently has one vacant AGPA position. A job offer has been made and a start date in early May is expected.

Probation Unit:

The Probation Unit recently filled three Staff Services Manager I positions on a Limited Term basis. These incumbents were internal candidates, which resulted in 3 vacant Inspector positions. The positions have been advertised and interviews are pending.

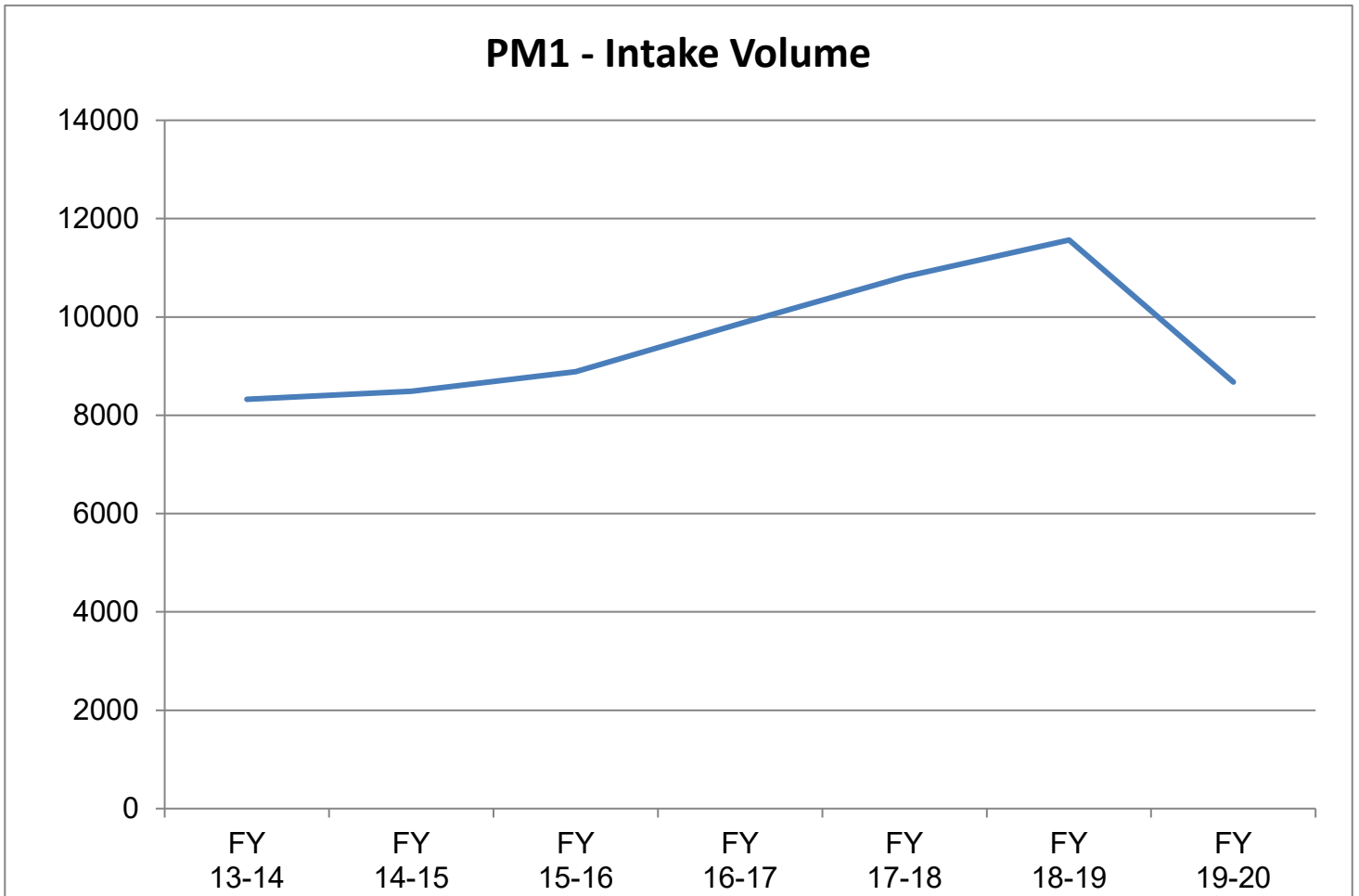
Additionally, management filled one Inspector position and made a conditional offer of employment for another Inspector position.

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 to complete a case that has not been transmitted to the AGO for disciplinary action (PM3); and the average number of days to complete a case that has been transmitted to the AGO for disciplinary action (PM4). PM7 captures the

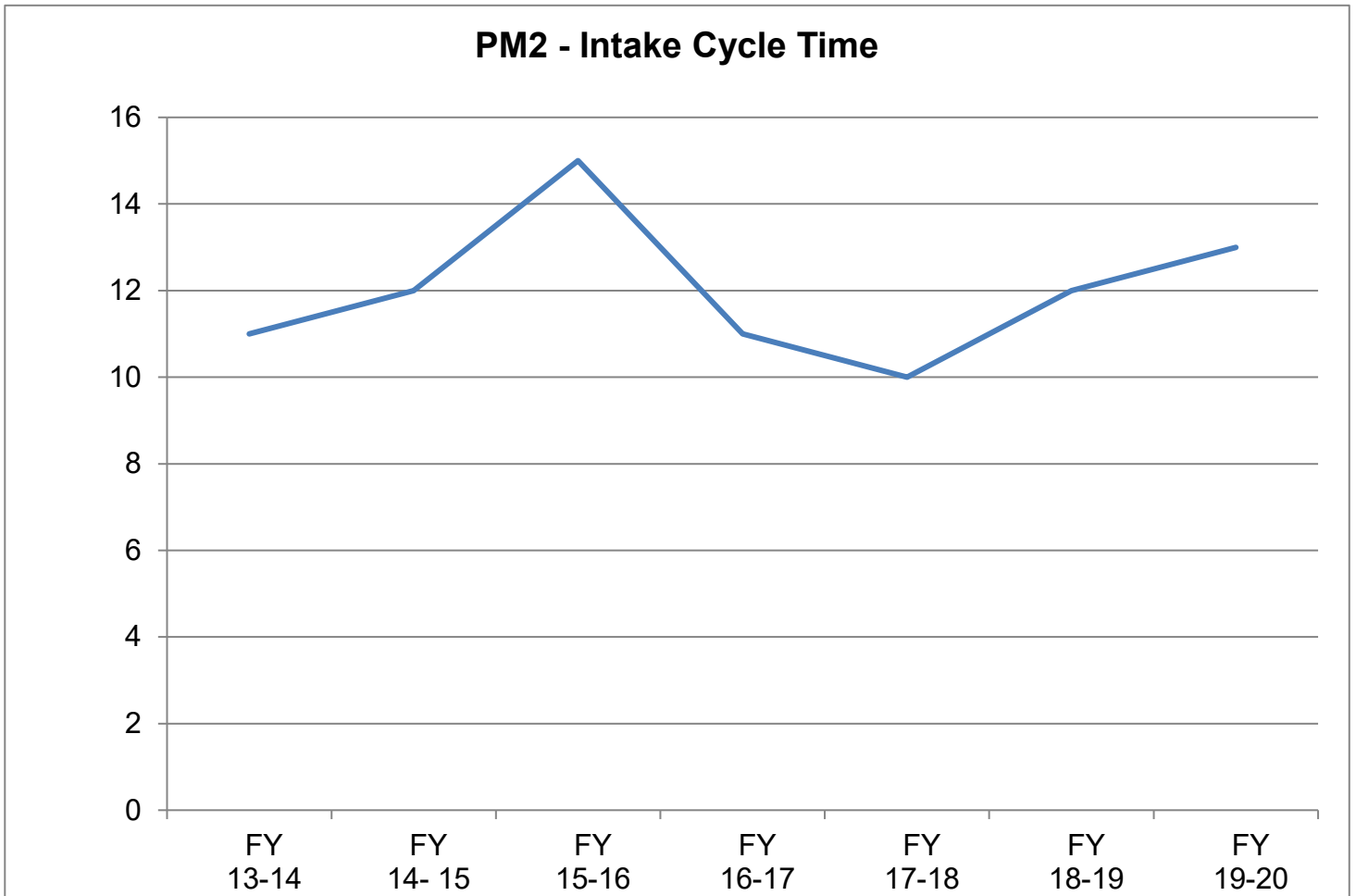
average number of days from when a probation inspector is assigned to a case to when the inspector makes the initial telephone call to the probationer to set up the face-to-face intake interview. PM8 captures the average number of days from when a probation inspector confirms/supports with evidence that a violation of a term and condition of probation may have occurred to when management provides approval for appropriate action to be taken for the violation of probation. Reports capturing PM7 and PM8 statistics were implemented in July 2016, so only fiscal years 16/17, 17/18, and 18/19 are reflected. Statistics for fiscal year 19/20 reflect results from July 1, 2019 to March 31, 2020.

**Medical Board of California Enforcement Program
PM1 - Intake Volume**



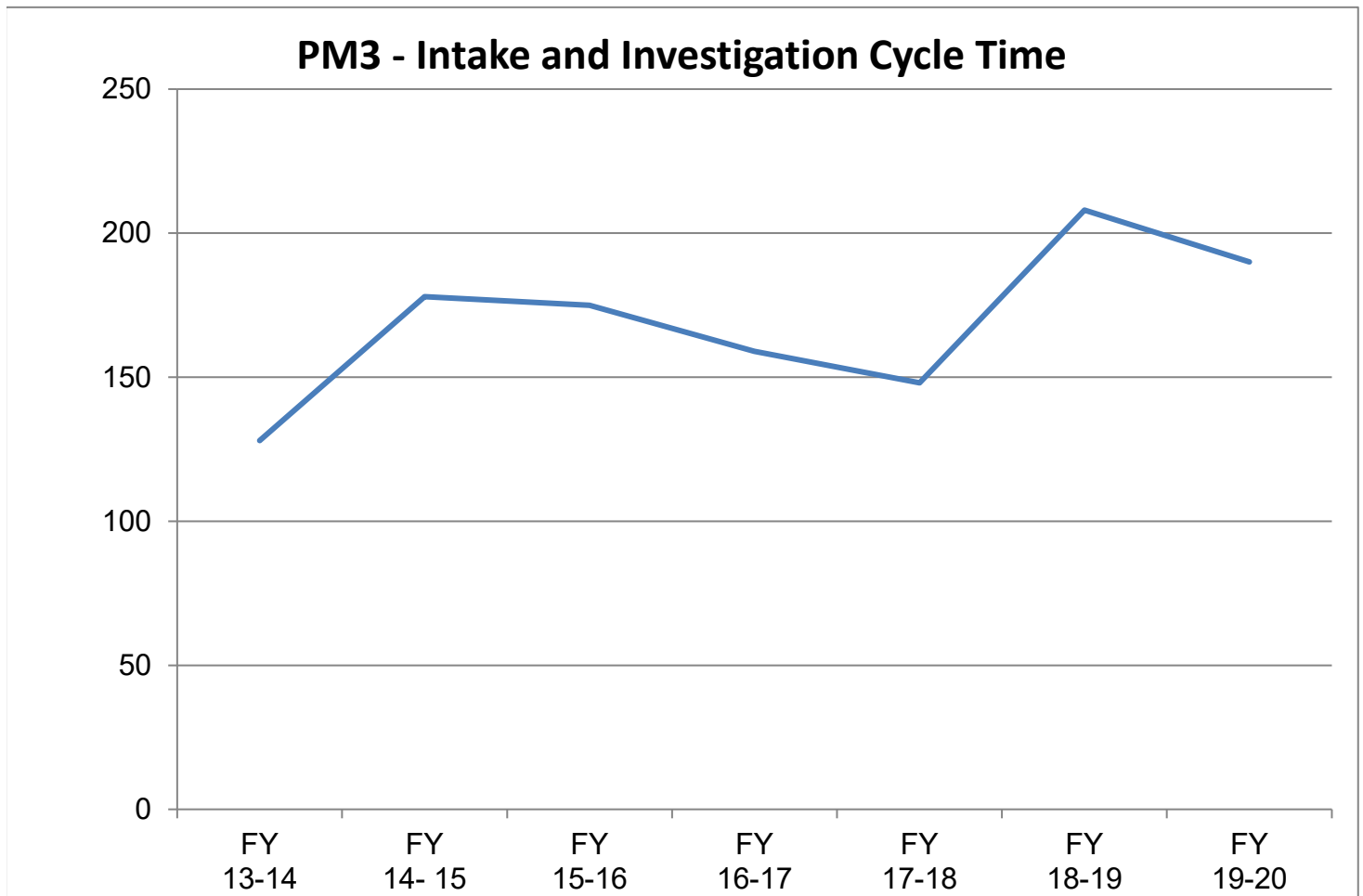
Month	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Volume	8325	8490	8885	9862	10817	11565	8675

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



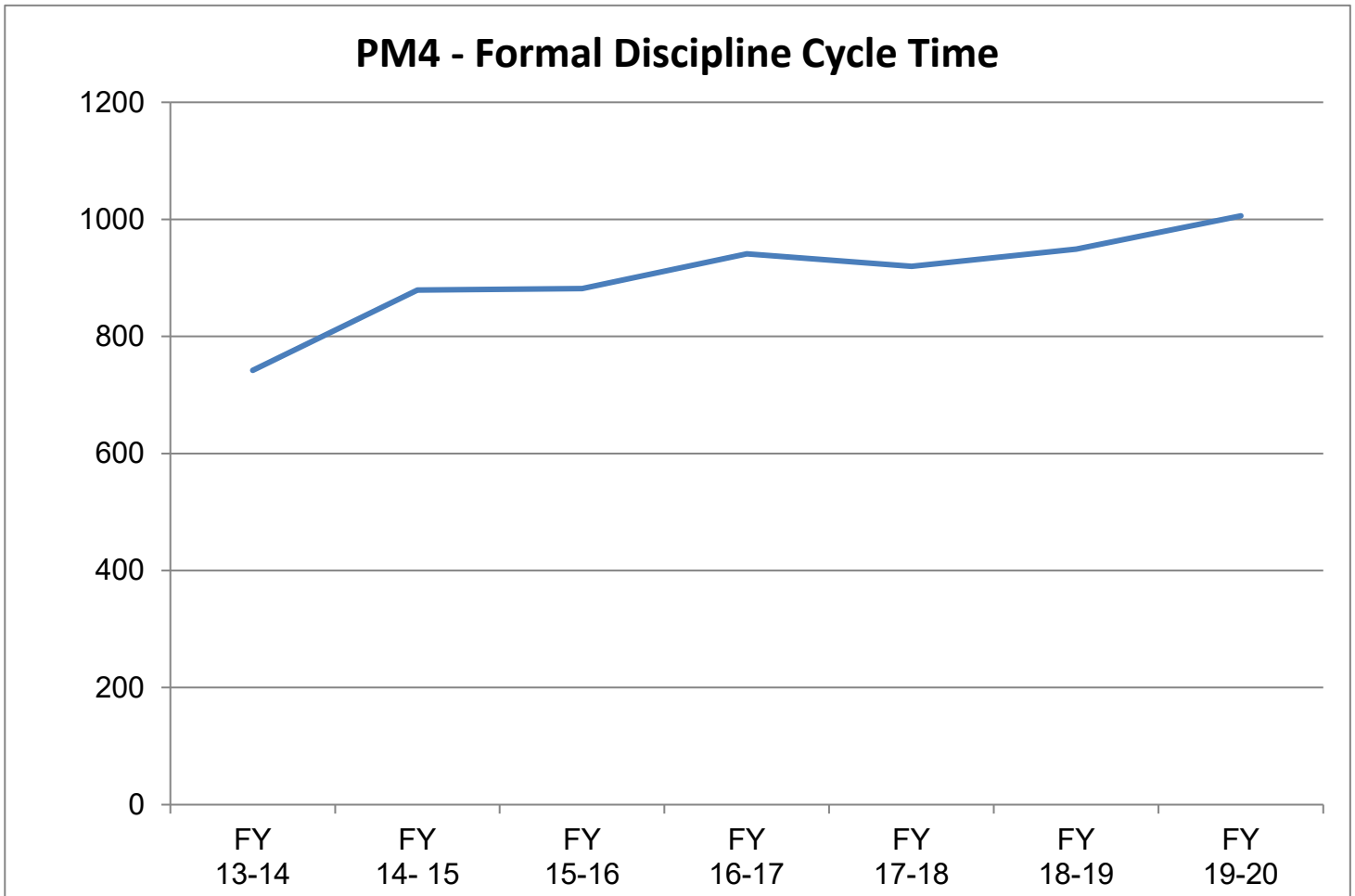
Month	FY 13-14	FY 14- 15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Cycle Time	11	12	15	11	10	12	13

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



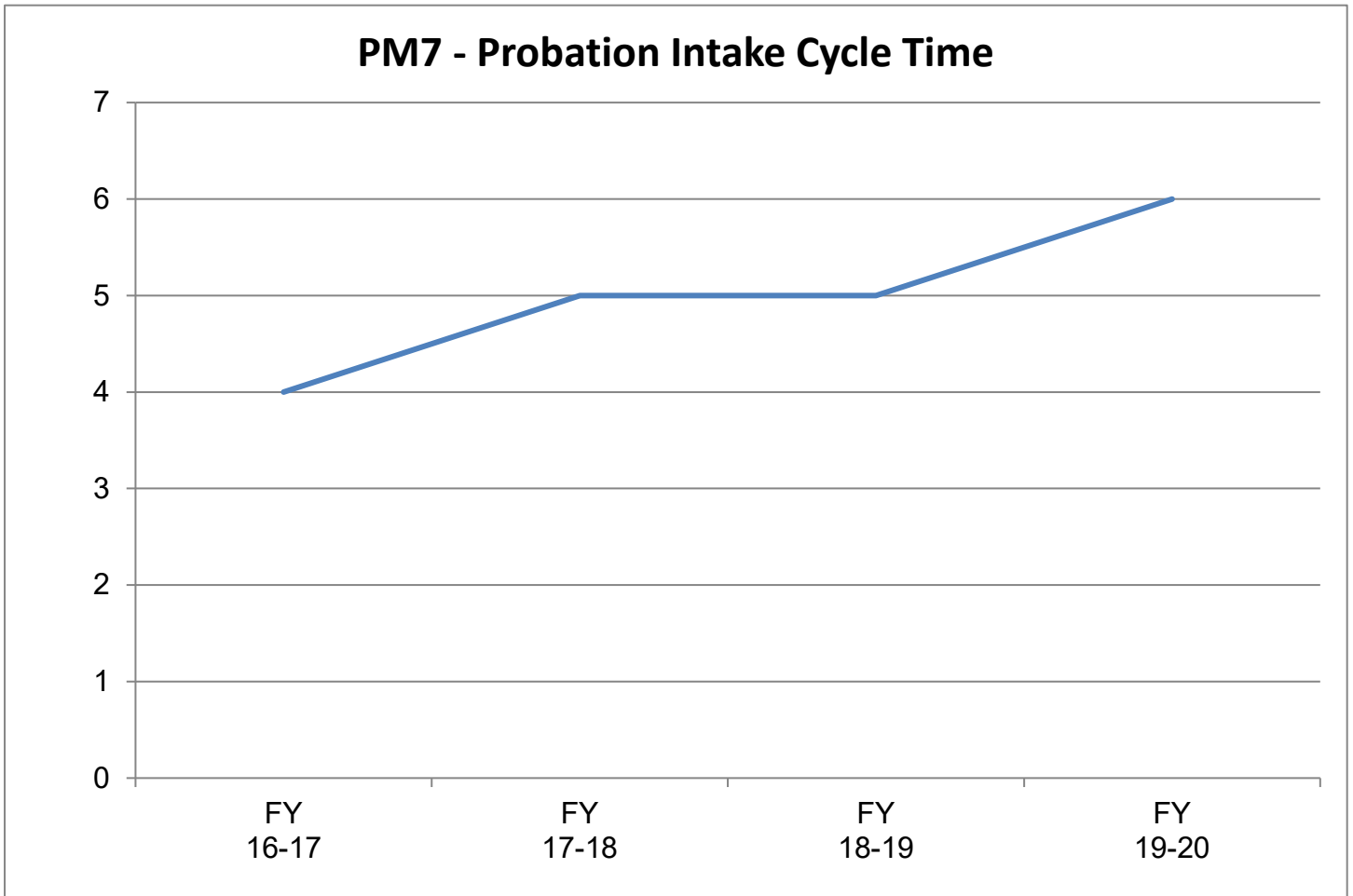
Month	FY 13-14	FY 14- 15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Cycle Time	128	178	175	159	148	208	190

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



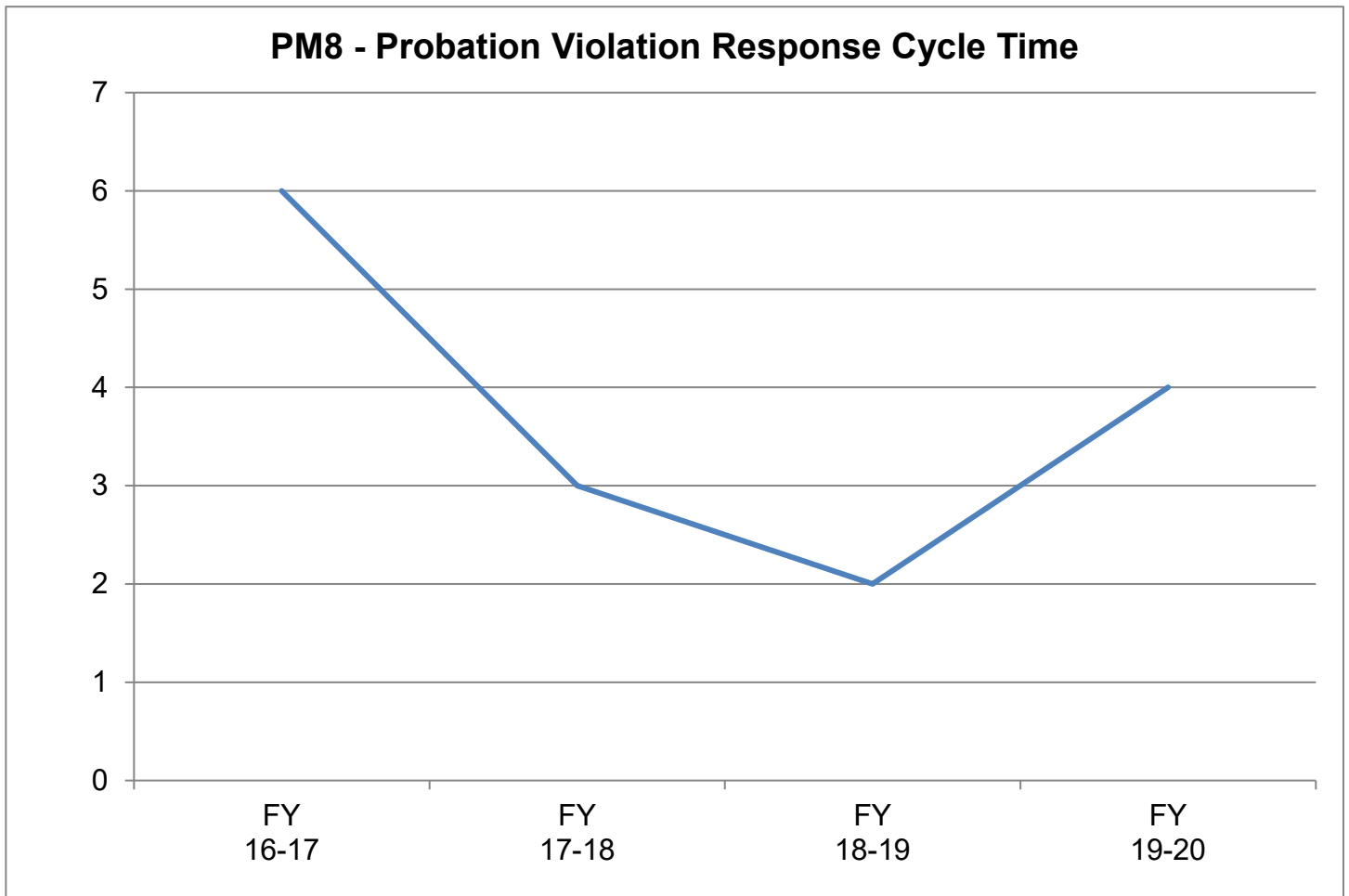
Month	FY 13-14	FY 14- 15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Cycle Time	742	879	882	941	920	949	1006

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



Month	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Cycle Time	4	5	5	6

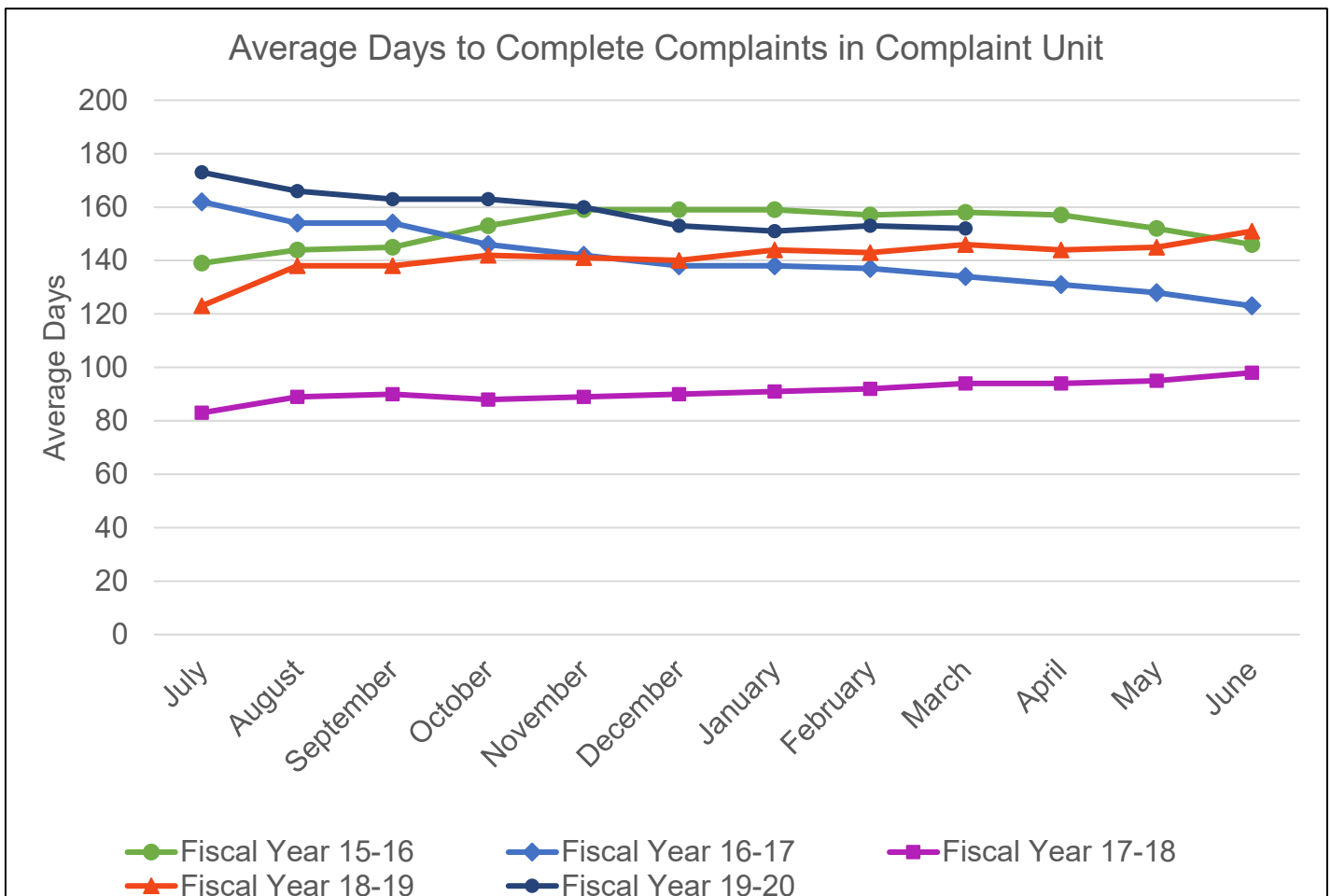
**Medical Board of California Enforcement Program
PM8 - Probation Violation Response Cycle Time**



Month	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Cycle Time	6	3	2	4

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

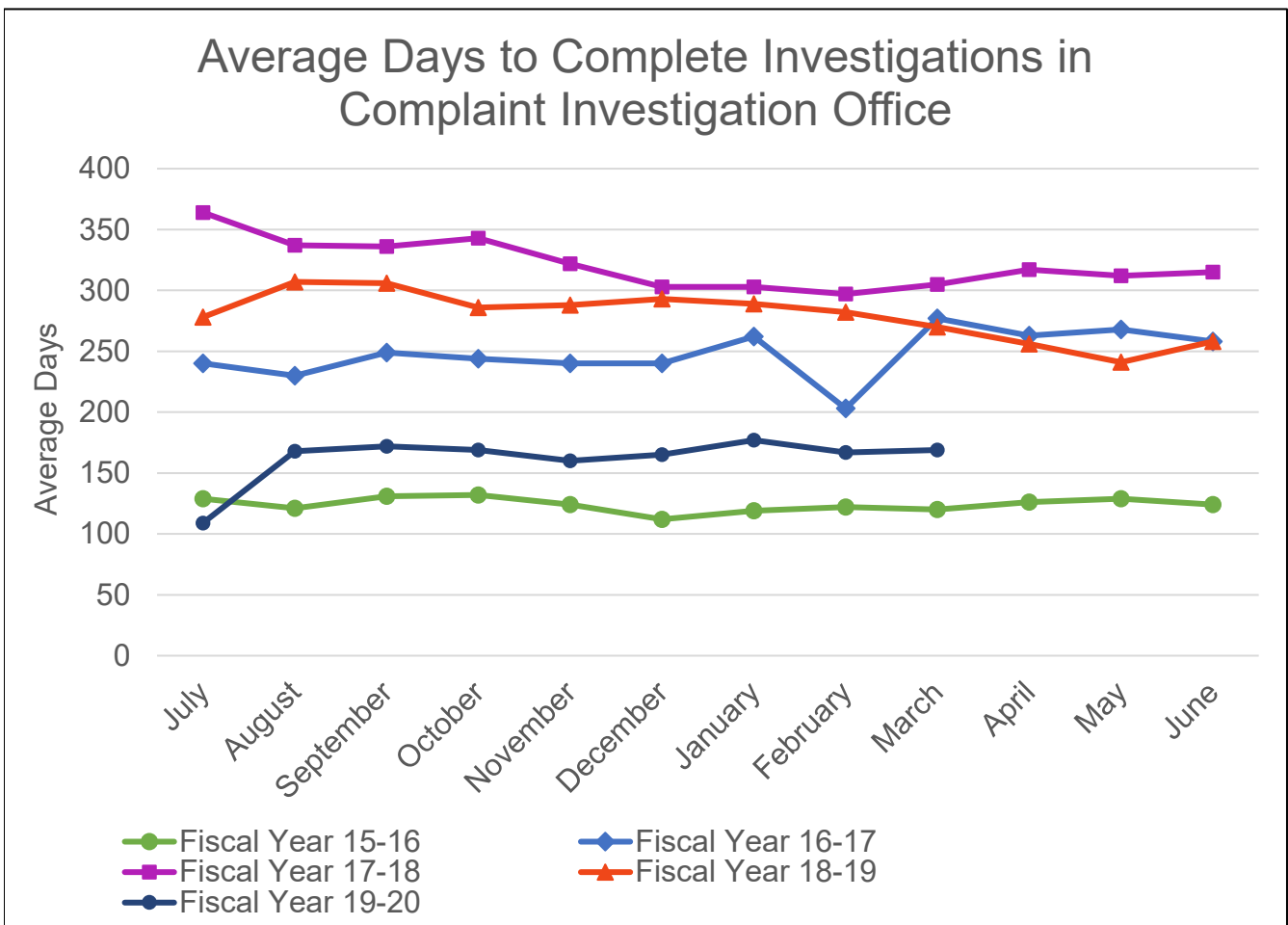
Month	Fiscal Year 15-16	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19	Fiscal Year 19-20
July	139	162	83	123	173
August	144	154	89	138	166
September	145	154	90	138	163
October	153	146	88	142	163
November	159	142	89	141	160
December	159	138	90	140	153
January	159	138	91	144	151
February	157	137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

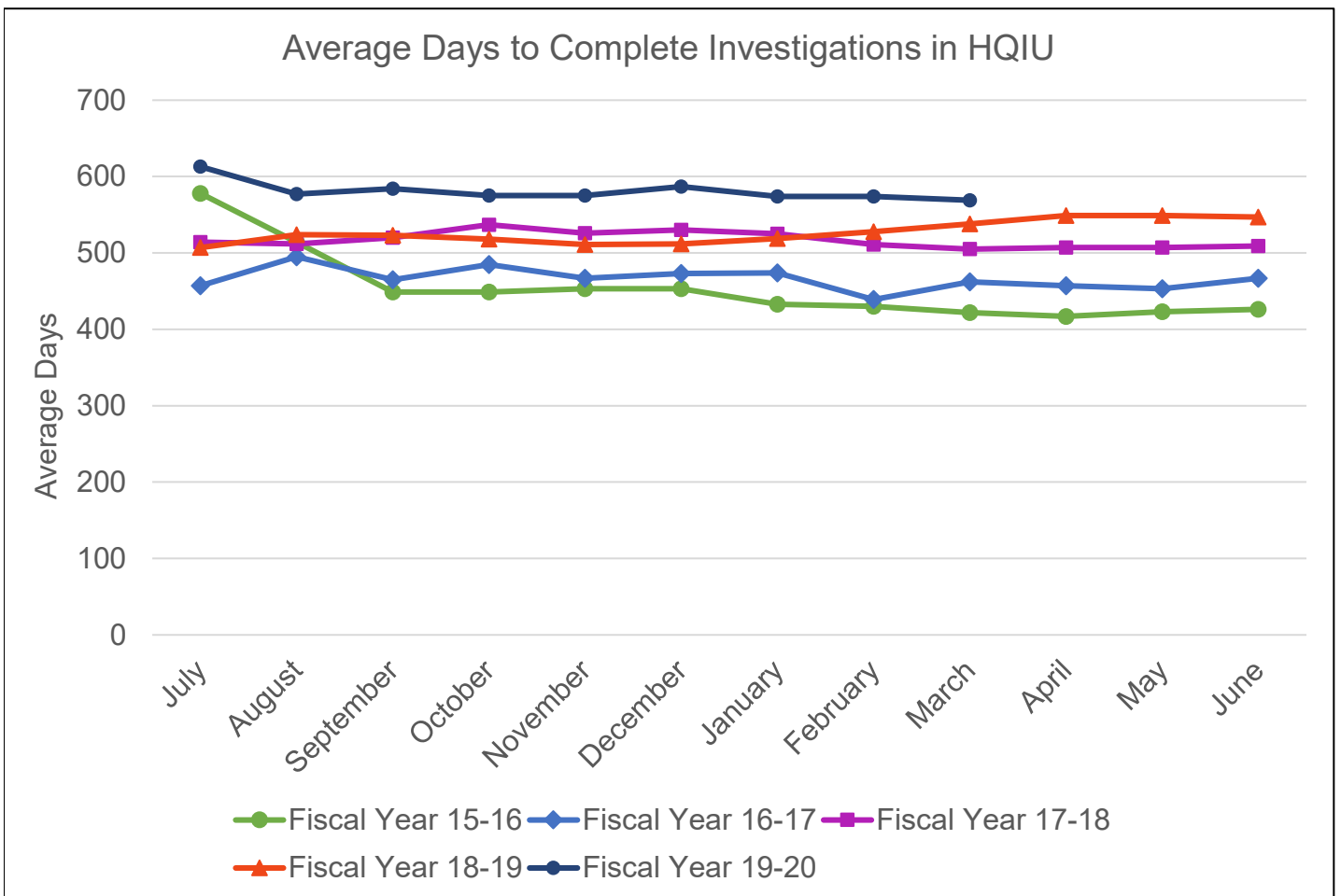
Month	Fiscal Year 15-16	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19	Fiscal Year 19-20
July	129	240	364	278	109
August	121	230	337	307	168
September	131	249	336	306	172
October	132	244	343	286	169
November	124	240	322	288	160
December	112	240	303	293	165
January	119	262	303	289	177
February	122	203	297	282	167
March	120	277	305	270	169
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**

Month	Fiscal Year 15-16	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19	Fiscal Year 19-20
July	578	457	514	507	613
August	514	495	512	524	577
September	449	465	520	523	584
October	449	485	537	518	575
November	453	467	526	511	575
December	453	473	530	512	587
January	433	474	525	519	574
February	430	439	511	528	574
March	422	462	505	538	569
April	417	457	507	549	
May	423	453	507	549	
June	426	467	509	547	

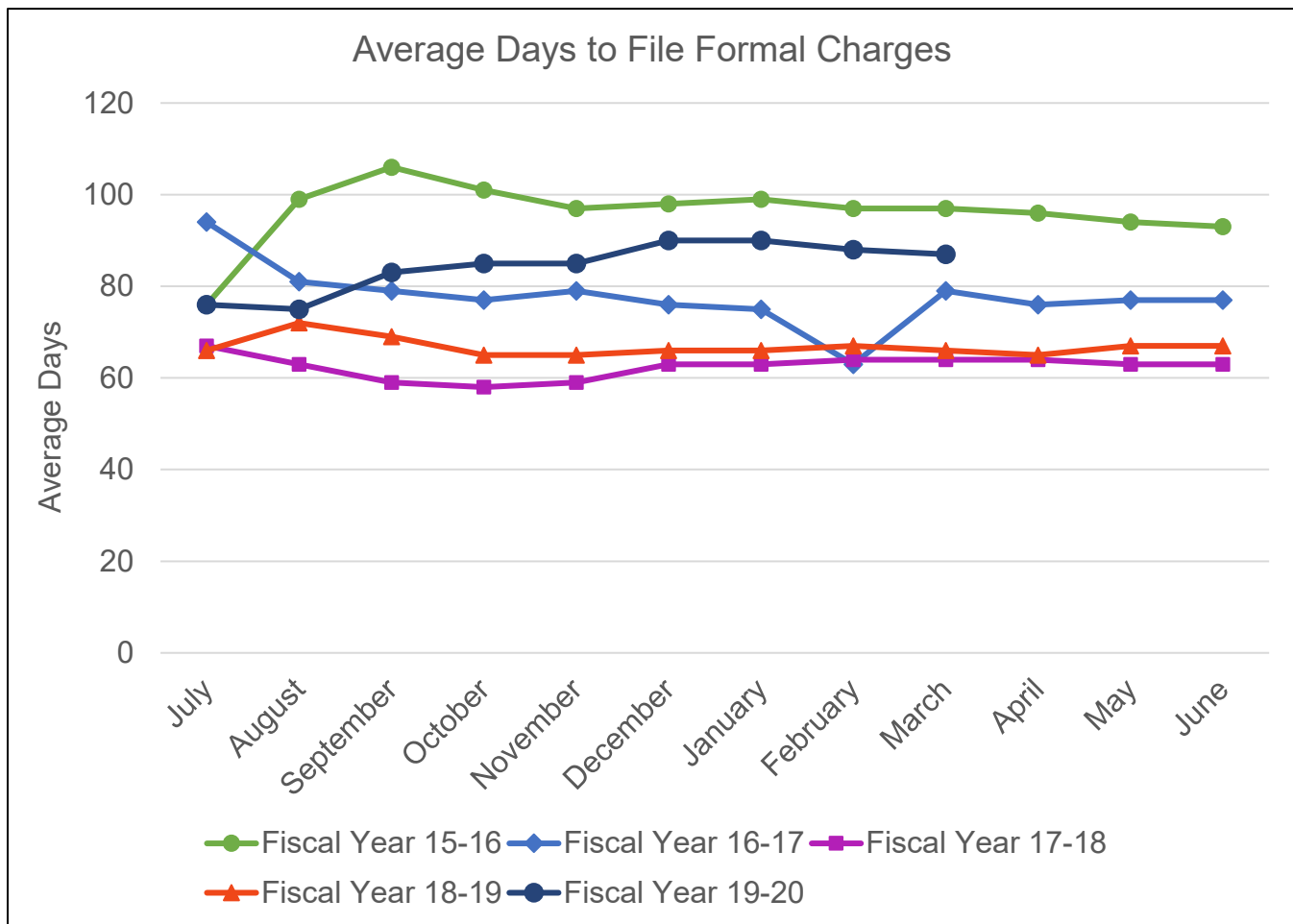


Effective 7/1/18 investigation processing days are from the date the case was referred to HQIU until closure or referral (this does not include Complaint Unit processing days for complaints completed at HQIU). This includes post-investigation processing time by HQIU, and review time by the Attorney General and Board after the investigation is completed, which is an average of 19 days through March 2020. Includes physician and surgeon data only.

Agenda Item 6B

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

Month	Fiscal Year 15-16	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19	Fiscal Year 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	90
February	97	63	64	67	88
March	97	79	64	66	87
April	96	76	64	65	
May	94	77	63	67	
June	93	77	63	67	

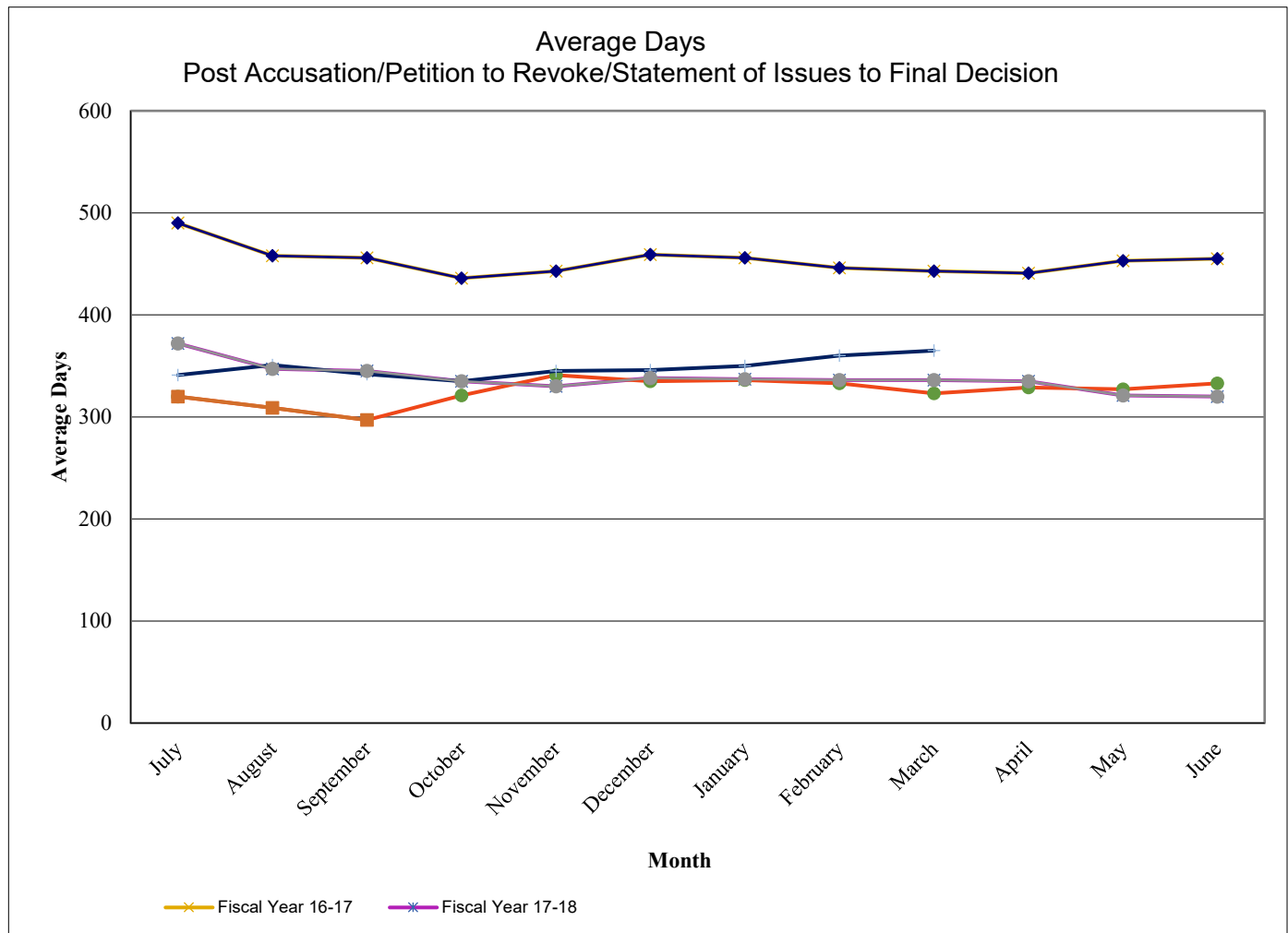


Average Days to File Formal Charges are the days from the date the case is referred to the AG's Office until formal charges are filed. Includes physician and surgeon data only.

Agenda Item 6B

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

Month	Fiscal Year 16-17	Fiscal Year 17-18	Fiscal Year 18-19	Fiscal Year 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	350
February	446	336	333	360
March	443	336	323	365
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 BreZE system. This resulted in changes to the average days. Includes physician and surgeon data only.

ENFORCEMENT TIMEFRAMES

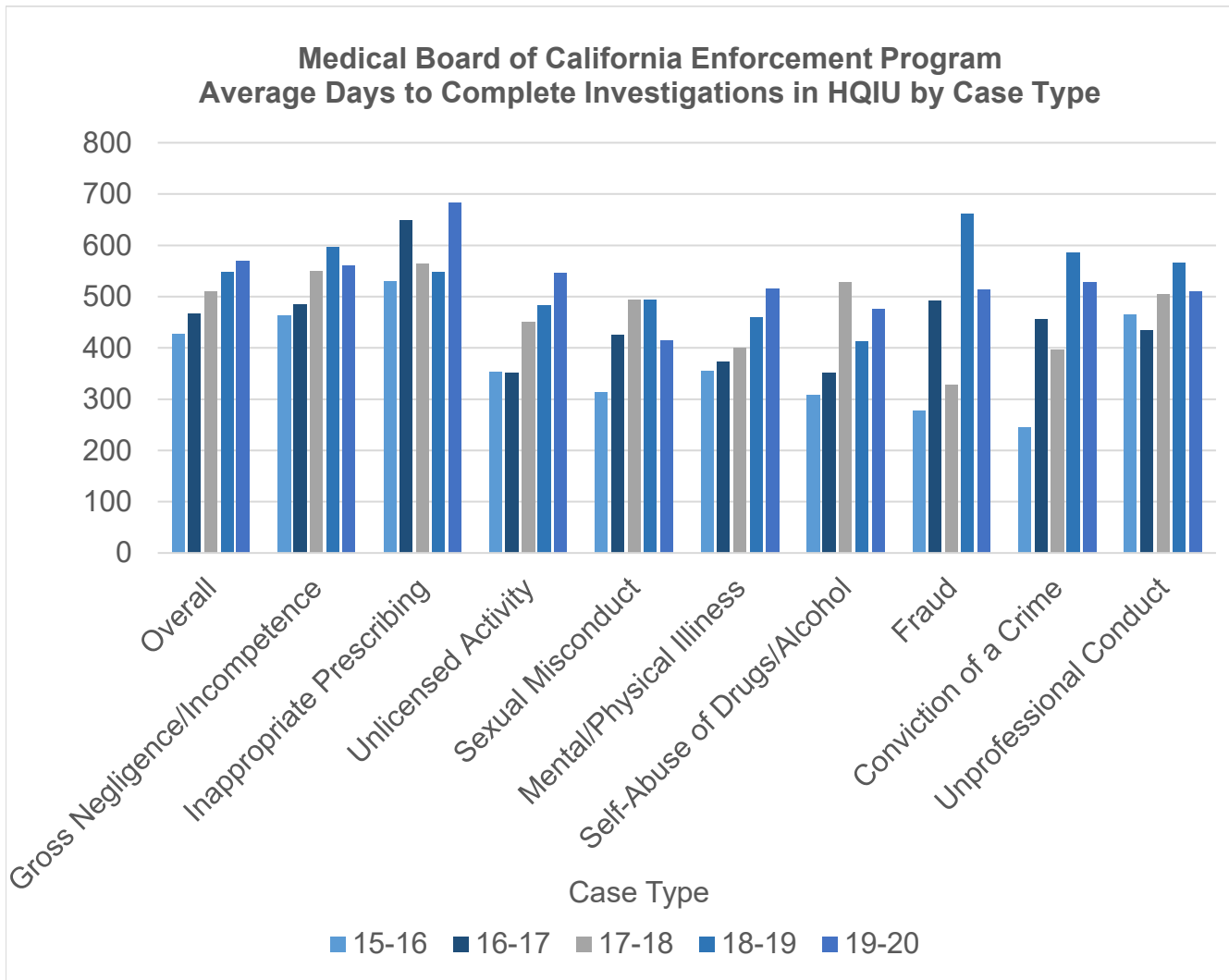
Fiscal Year	15-16 Average	15-16 Median	16-17 Average	16-17 Median	17-18 Average	17-18 Median	18-19 ¹ Average	18-19 ¹ Median	19-20 ² Average	19-20 ² Median
COMPLAINT PROCESSING	146	119	123	89	98	58	151	122	152	106
INVESTIGATION PROCESSING - MBC - CIO (Complaint Investigation Office)	124	52	258	203	316	251	258	127	169	135
INVESTIGATION PROCESSING - HQIU (Health Quality Investigation Unit)	426	367	467	431	510	483	547	502	569	552
TOTAL MBC & HQIU DAYS	230	155	141	104	119	68	179	141	168	123
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	87	70
POST - Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues	453	378	455	368	322	285	333	311	359	339
ACCUSATION DECLINED BY AG	56	31	25	14	114	19	53	32	43	26
TOTAL AG DAYS	479	393	473	328	327	286	339	312	365	350
TOTAL AG YEARS	1.31	1.08	1.30	0.90	0.90	0.78	0.93	0.85	1.00	0.96
TOTAL MBC & AG DAYS	967	919	1034	1040	926	939	1016	1057	1074	1083
TOTAL MBC & AG YEARS	2.65	2.52	2.83	2.85	2.54	2.57	2.78	2.90	2.94	2.97

Years calculated using 365 days per year

¹ 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).

² Data through 3/31/2020

Includes physican and surgeon data only.

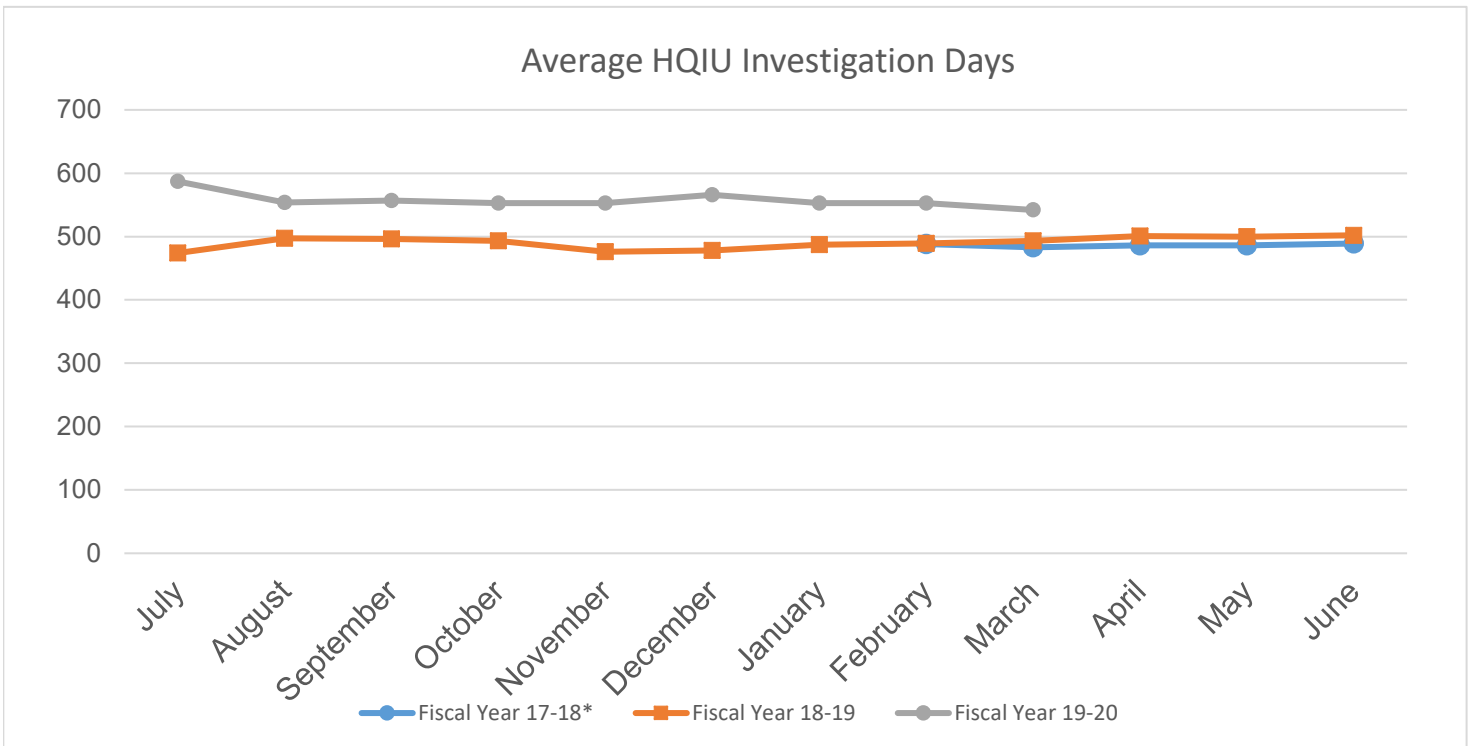


Case Type by Fiscal Year	15-16	16-17	17-18	18-19	19-20
Overall	426	467	509	548	569
Gross Negligence/Incompetence	463	485	549	597	560
Inappropriate Prescribing	529	649	564	548	683
Unlicensed Activity	353	351	450	482	546
Sexual Misconduct	313	425	493	494	414
Mental/Physical Illness	354	373	399	460	515
Self-Abuse of Drugs/Alcohol	307	351	528	413	475
Fraud	277	492	328	661	514
Conviction of a Crime	245	455	396	585	528
Unprofessional Conduct	464	435	504	565	510

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 19 days through March 2020. Includes physician and surgeon data

Medical Board of California Enforcement Program Average HQIU Investigation Days

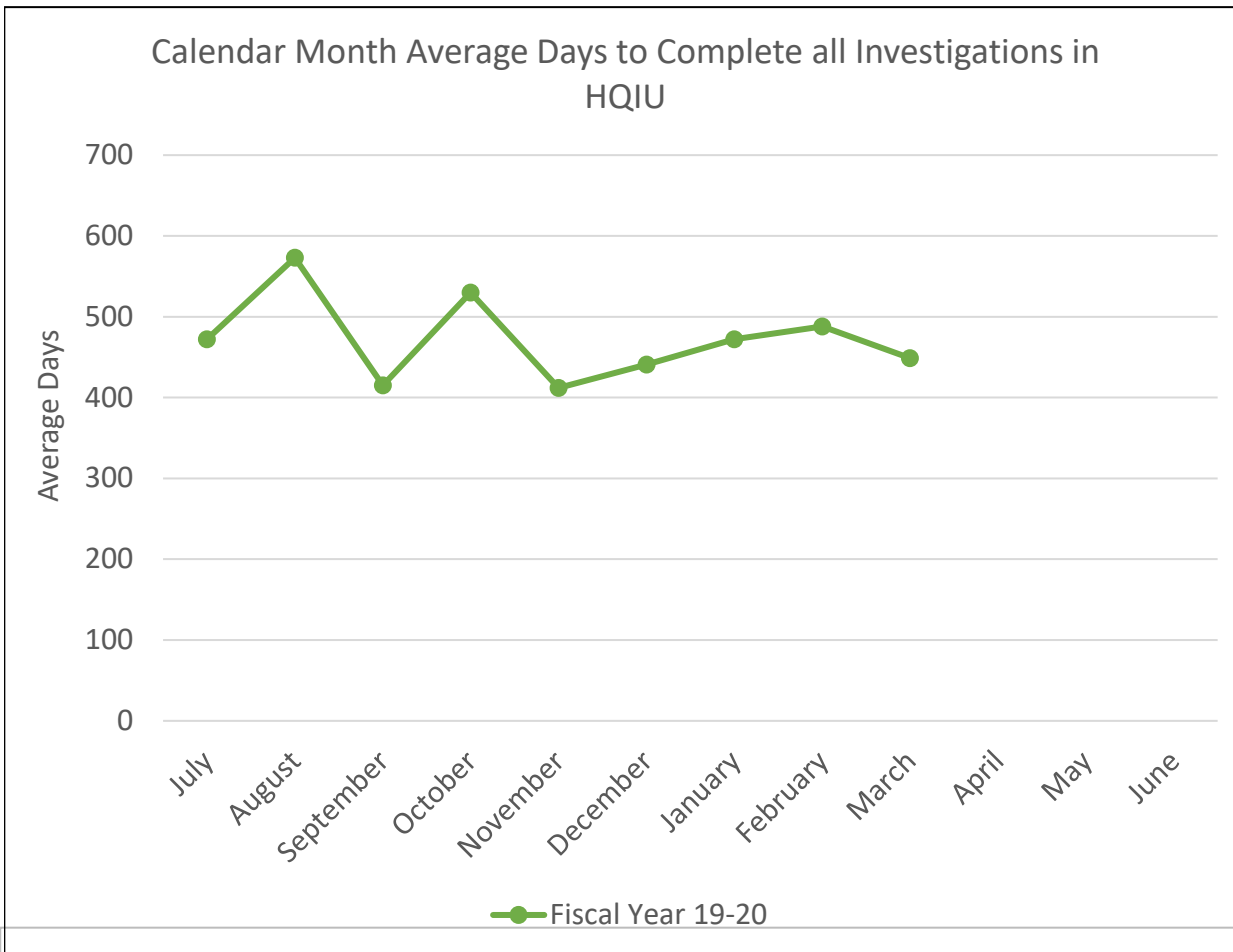
Month	Fiscal Year 17-18*	Fiscal Year 18-19	Fiscal Year 19-20
July		474	587
August		497	554
September		496	557
October		493	553
November		476	553
December		478	566
January		487	553
February	488	489	553
March	483	493	542
April	486	501	
May	486	500	
June	489	502	



* Information not previously reported for the months of July - January. Investigation processing days are from the date the case was assigned to HQIU investigator until completion of the investigation for closure or referral. This timeframe excludes the Attorney General and Board review time after the investigation is completed by HQIU. Includes physician and surgeon data only.

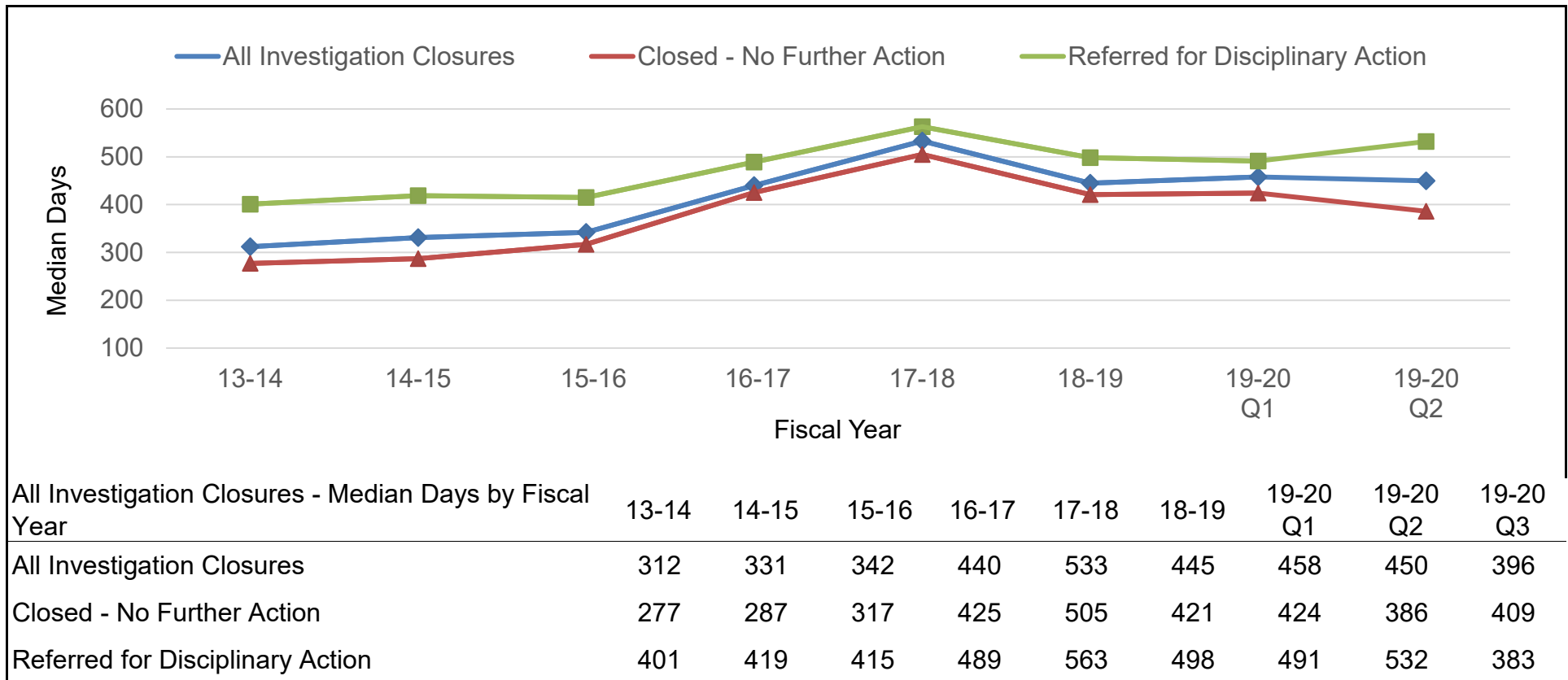
**Medical Board of California Enforcement Program
Calendar Month Average Days to Complete All Investigations in HQIU**

Month	Fiscal Year 19-20
July	472
August	573
September	415
October	530
November	412
December	441
January	472
February	488
March	449
April	
May	
June	



Monthly investigation processing days are from the date the case was assigned to an HQIU Investigator until completion of the investigation in the calendar month. Includes physician and surgeon, licensed midwife, research psychoanalyst, polysomnographic program, physician assistant, doctor of podiatric medicine, and osteopathic physician and surgeon

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

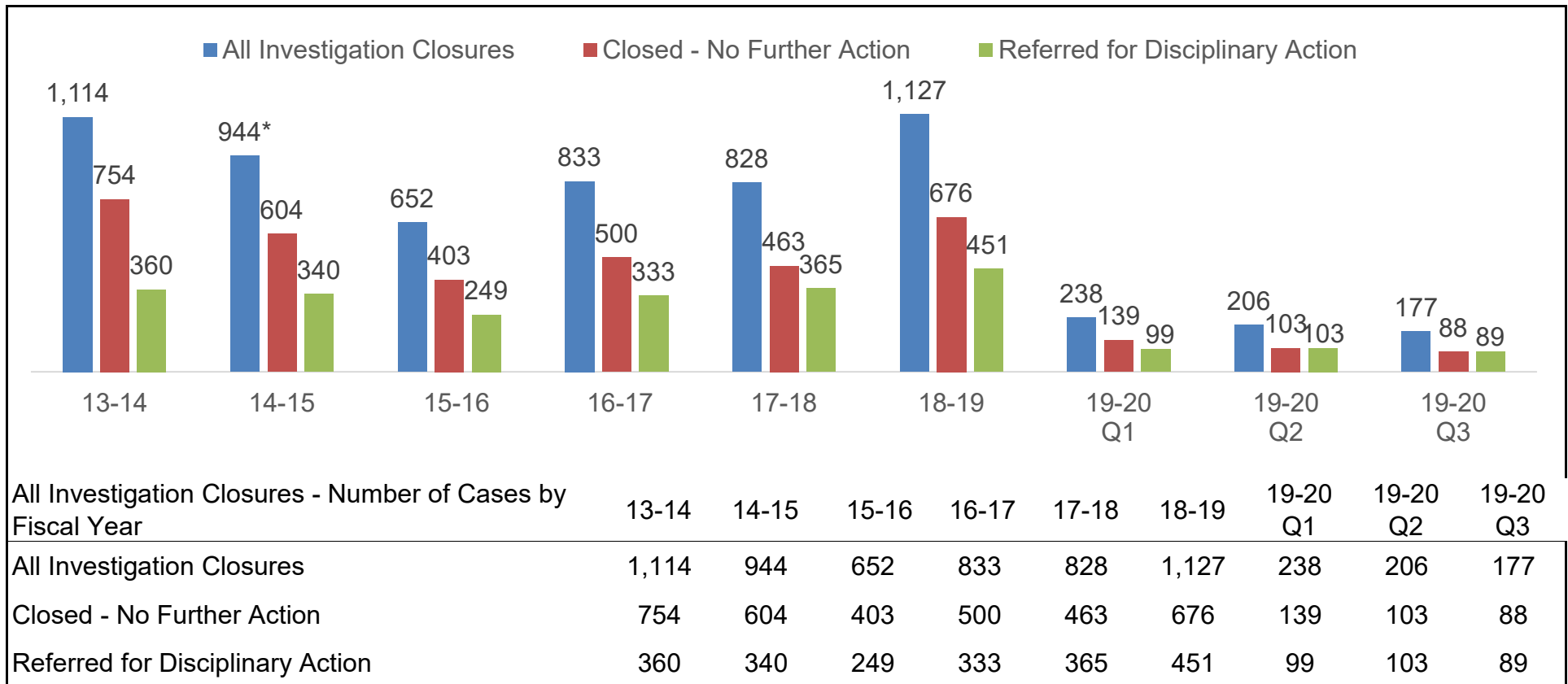


All Investigation Closures - Median Days by Fiscal Year	13-14	14-15	15-16	16-17	17-18	18-19	19-20 Q1	19-20 Q2	19-20 Q3
All Investigation Closures	312	331	342	440	533	445	458	450	396
Closed - No Further Action	277	287	317	425	505	421	424	386	409
Referred for Disciplinary Action	401	419	415	489	563	498	491	532	383

*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.

The graph above excludes the following case types: out-of-state, headquarters, Operation Safe Medicine, probation violations, petitions for modification/termination of probation terms, and petitions for reinstatement. They also exclude all cases that were referred solely to the District/City Attorney for criminal action as they are not in VE/P.

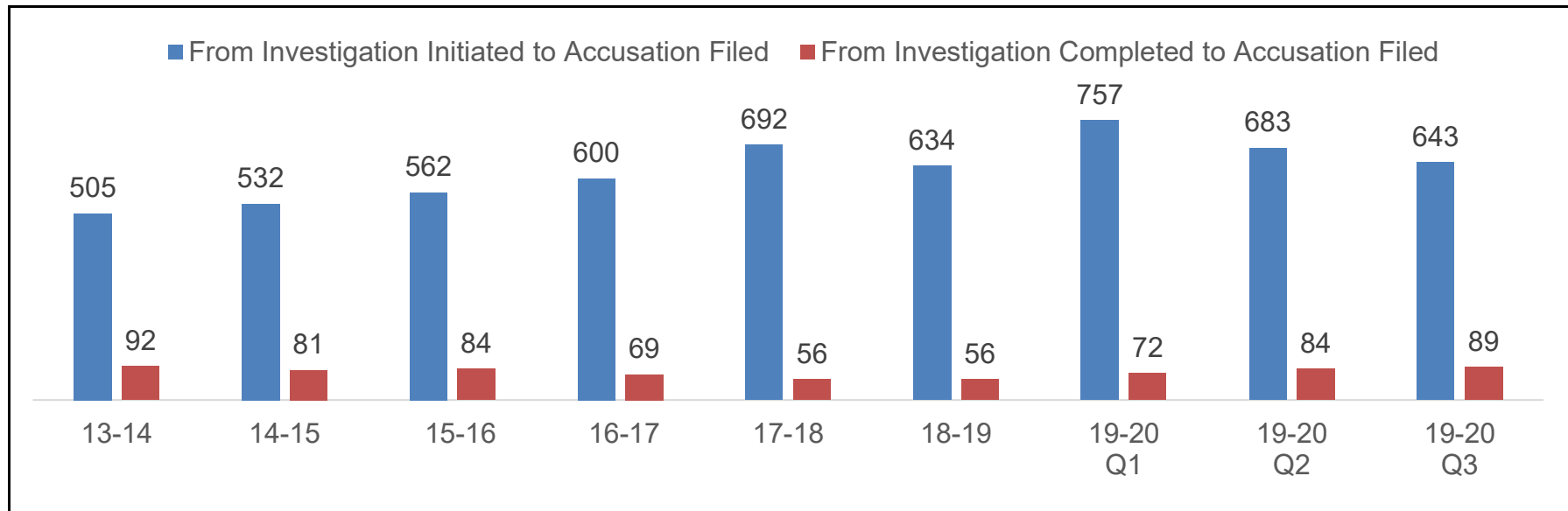
Medical Board of California - Enforcement Program
All Investigation Closures - Number of Cases



*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.

The graph above excludes the following case types: out-of-state, headquarters, Operation Safe Medicine, probation violations, petitions for modification/termination of probation terms, and petitions for reinstatement. They also exclude all cases that were referred solely to the District/City Attorney for criminal action as they are not in VE/P.

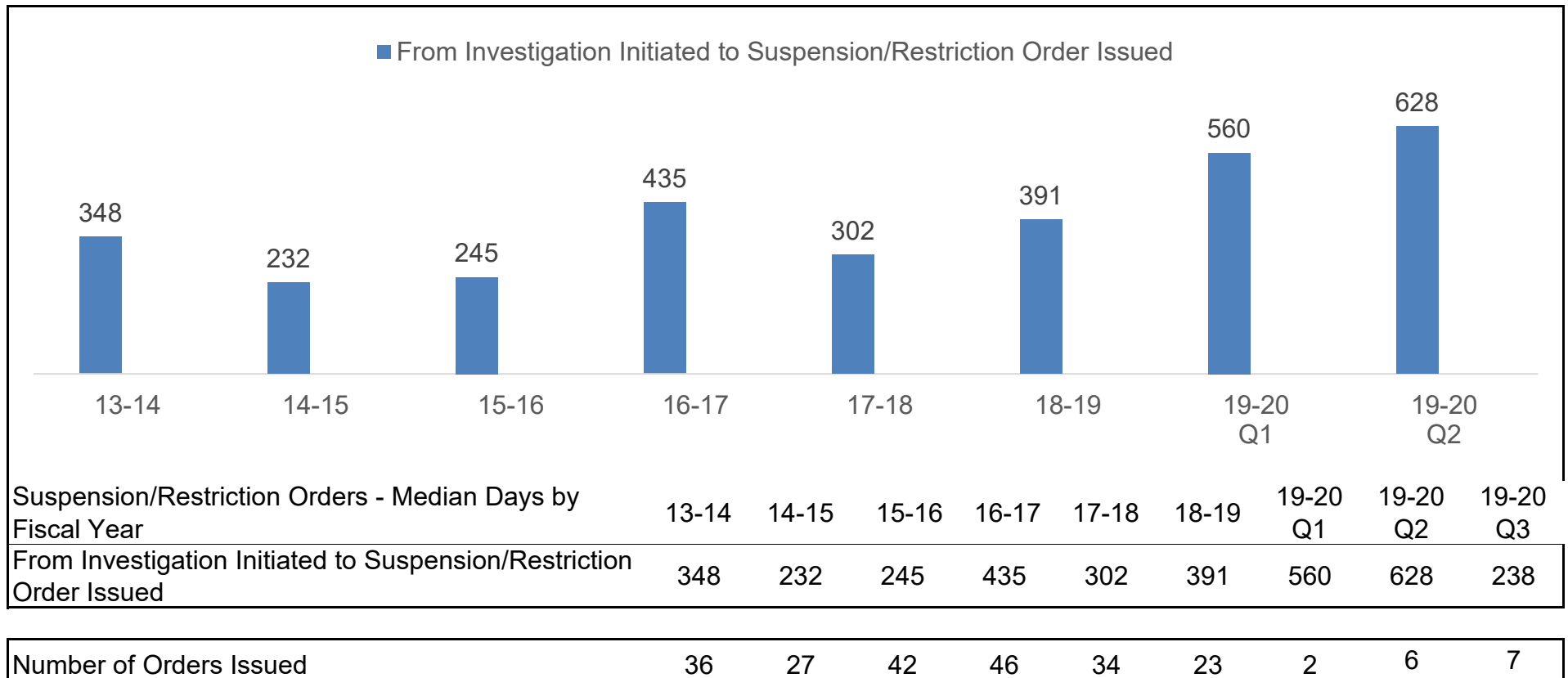
Medical Board of California - Enforcement Program
Accusation - Median Days



Accusations - Median Days by Fiscal Year	13-14	14-15	15-16	16-17	17-18	18-19	19-20 Q1	19-20 Q2	19-20 Q3
From Investigation Initiated to Accusation Filed	505	532	562	600	692	634	757	683	643
From Investigation Completed to Accusation Filed	92	81	84	69	56	56	72	84	89
Number of Accusations Filed	220	233	215	228	265	244	65	45	57

The graph above excludes the following case types: out-of-state, headquarters, Operation Safe Medicine, probation violations, petitions for modification/termination of probation terms, and petitions for reinstatement. They also exclude all cases that were referred solely to the District/City Attorney for criminal action as they are not in VE/P.

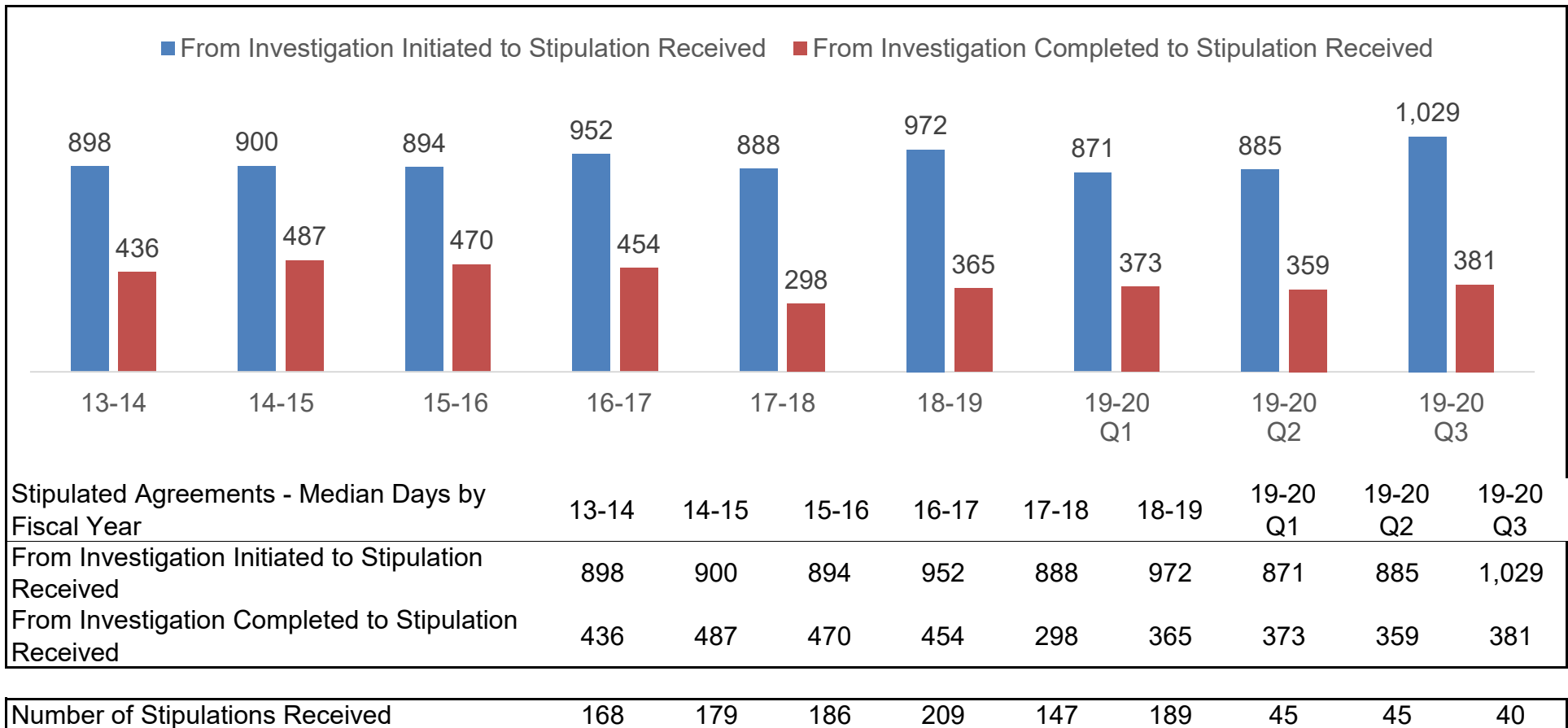
Medical Board of California - Enforcement Program
Suspension/Restriction Order - Median Days*



*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

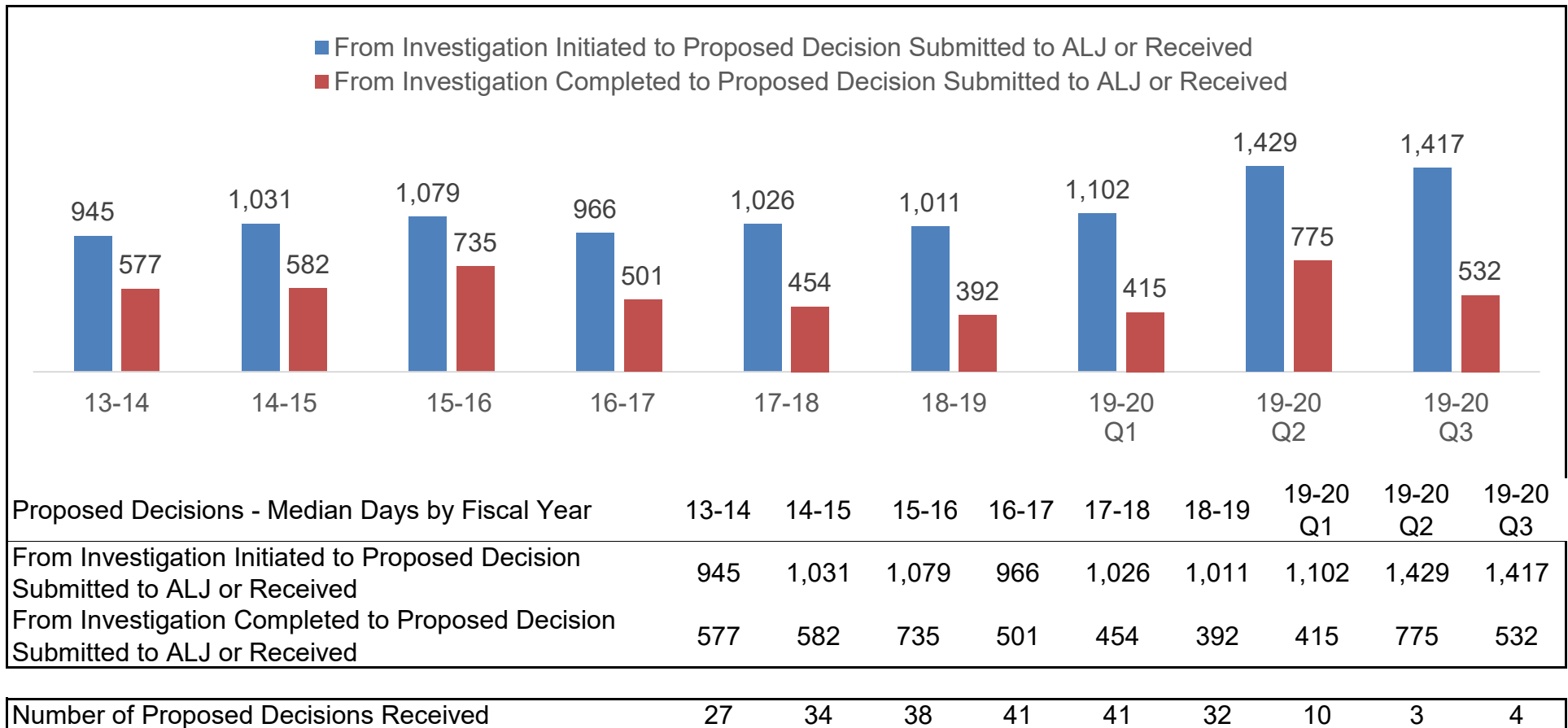
The graph above excludes the following case types: out-of-state, headquarters, Operation Safe Medicine, probation violations, petitions for modification/termination of probation terms, and petitions for reinstatement. They also exclude all cases that were referred solely to the District/City Attorney for criminal action as they are not in VE/P.

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



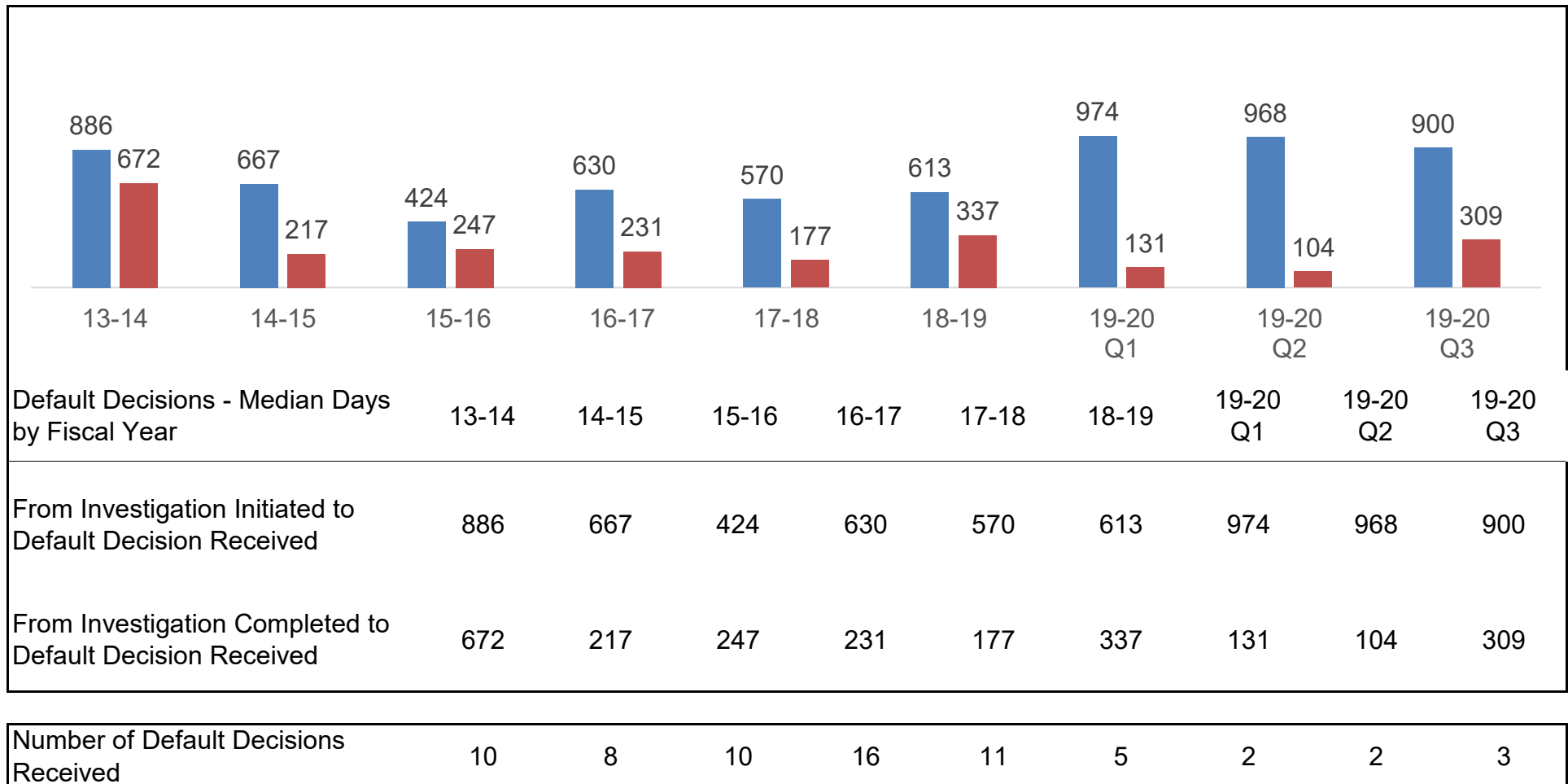
The graph above excludes the following case types: out-of-state, headquarters, Operation Safe Medicine, probation violations, petitions for modification/termination of probation terms, and petitions for reinstatement. They also exclude all cases that were referred solely to the District/City Attorney for criminal action as they are not in VE/P.

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



The graph above excludes the following case types: out-of-state, headquarters, Operation Safe Medicine, probation violations, petitions for modification/termination of probation terms, and petitions for reinstatement. They also exclude all cases that were referred solely to the District/City Attorney for criminal action as they are not in VE/P.

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



The graph above excludes the following case types: out-of-state, headquarters, Operation Safe Medicine, probation violations, petitions for modification/termination of probation terms, and petitions for reinstatement. They also exclude all cases that were referred solely to the District/City Attorney for criminal action as they are not in VE/P.