

## MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: November 4, 2021  
 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.

Statistical Information:

In FY20/21 the Board revoked 36 licenses and accepted 118 surrenders. This was an increase of 32% over the prior year. The Board took a total of 451 disciplinary actions in FY20/21, the highest number in the past seven years. The statistics in both FY19/20 and FY20/21 were statistical anomalies due to COVID-19.

	<b>Total Discipline</b>	<b>Revocation</b>	<b>Surrender</b>	<b>PLR/PR</b>	<b>Probation*</b>
<b>FY 2013/2014</b>	375	51	77	90	137
<b>FY 2014/2015</b>	342	40	80	86	123
<b>FY 2015/2016</b>	361	39	80	106	120
<b>FY 2016/2017</b>	420	42	101	87	177
<b>FY 2017/2018</b>	406	43	87	133	127
<b>FY 2018/2019</b>	445	49	85	135	154
<b>FY 2019/2020</b>	380	28	89	107	134
<b>FY 2020/2021</b>	451	36	118	152	126

The increase in the number of disciplinary actions in FY20/21 can be attributed to the increased number of complaints the Board received in the three prior fiscal years, FY17/18, FY18/19, and FY19/20. In FY20/21, the Board took 485 disciplinary actions, this was an increase of approximately 19% over the previous year. More cases were completed and forwarded to the Attorney General's Office than in the previous year. We sent 563 files to the Attorney General's office in FY19/20 and 649 cases in FY20/21,

an increase of 15%. All types of disciplinary action were up in FY20/21, with an increase in accusations filed 24% over the previous year.

It is reasonable to expect that as more cases were resolved or referred to the Attorney General’s Office, up 19% from the previous year, the number of Public Reprimands (PR) would also increase. The number of PRs rose significantly between FY19/20 and FY20/21, 42%, but when comparing the numbers of PRs issued in previous years, FY17/18 and FY18/19, the increase in FY20/21 was a 12% or 14% increase, respectively. There has been no change in the rationale for determining when the Board will offer a PR.

	<b>Received</b>
<b>FY 2013/2014</b>	8,329
<b>FY 2014/2015</b>	8,267
<b>FY 2015/2016</b>	8,679
<b>FY 2016/2017</b>	9,619
<b>FY 2017/2018</b>	10,888
<b>FY 2018/2019</b>	11,407
<b>FY 2019/2020</b>	10,868
<b>FY 2020/2021</b>	10,103

Expert Reviewer Program:

There are currently 592 active experts in the Board’s expert database. Expert program analysts receive monthly reports of experts with expiring contracts and utilize this information to renew contracts. Expert program analysts routinely process billing submitted by experts and work with HQIU and Deputy Attorney General staff to provide assistance selecting an expert for cases assigned to their units. Expert reviewer training was held via WebEx on October 16<sup>th</sup>. Advertisement for the following specialties were in the Board’s July 2021 Newsletter:

- Addiction Medicine with added certification in Family or Internal or Psychiatry
- Clinical Genetics
- Colon/Rectal Surgery
- Dermatology
- Family Medicine
- Gastroenterology
- Hematology
- Neurological Surgery
- Neurology
- Obstetrics and Gynecology (with added expertise in Gynecologic Oncology)

- Orthopaedic Surgery
- Pathology (preferably from: Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, and Ventura Counties)
- Pain Medicine
- Pediatric Gastroenterology
- Pediatric Surgery
- Pediatric Cardiac Surgery
- Pediatric Critical Care
- Pediatric Pulmonology
- Plastic Surgery
- Psychiatry (Forensic and Addiction)
- Radiation Oncology
- Surgery (General and Endocrine Surgery)
- Thoracic and Cardiac Surgery
- Urology (General and Gender Reassignment)
- Vascular Surgery
- Midwife Reviewer

#### Central Complaint Unit:

The average number of days to initiate a complaint in the Central Complaint Unit (CCU) is 5 days for the first quarter of FY 2021-2022, which is within the timeframe mandated by Business and Professions Code section 129(b). The average days to complete the processing of a complaint in CCU for the first quarter of FY 2021-2022 is 85 days. CCU staff and management continue to work diligently to reduce the aging of all complaint types.

CCU currently has two vacant Management Services Technician (MST) positions, one vacant part-time Associate Governmental Program Analyst (AGPA), and one vacant full-time AGPA position. The vacant MST positions are due to employees accepting promotional opportunities with other agencies. The part-time AGPA vacancy is due to the employee leaving state service and the full-time AGPA vacancy is due to the employee accepting a promotion to fill the SSMI vacancy. The AGPA positions were advertised, and applications are being reviewed to schedule interviews. Interviews for the vacant MST positions were conducted and management is working with human resources to finalize pending hiring clearances.

The medical consultant program receives a monthly report of consultants with expiring contracts and utilize this information to renew contracts. Medical consultant program staff continue assigning cases that require specialty review to consultants, follow up on cases checked out to consultants for 30 days or more, and routinely process billing submitted by consultants. Advertisement for the following specialties were in the Board's July 2021 newsletter:

- Cardiac Surgery
- Colon and Rectal Surgery

- Dermatology
- Gynecology
- Interventional Cardiology
- Interventional Radiology
- Neonatal/Perinatal
- Neurological Surgery
- Pain Medicine
- Plastic Surgery
- Thoracic Surgery
- Vascular Surgery

Complaint Investigation Office:

These findings are for physician and surgeon cases for the date range of 7/1/2021 through 9/30/2021.

The Complaint Investigation Office (CIO) non-sworn special investigators currently has a unit caseload of 183 cases which breaks down into approximately 28 cases each (CIO is no longer processing 801 cases on behalf of CCU). In order to determine the average, we excluded Rashya's position and counted Lauren Nickel as 1/2 position, resulting in 6.5 total positions.

Since the last enforcement summary, CIO has closed 63 cases and transmitted 20 cases to the Attorney General's Office – 9 criminal conviction cases, 5 malpractice cases, 6 vaccination exemption cases, and 5 petitions for reinstatement. Additionally, the CIO referred 3 cases to the Board's Cite and Fine Program and no cases for a PLR.

Discipline Coordination Unit:

The Discipline Coordination Unit (DCU) currently has one vacant Associate AGPA position. Interviews have been conducted and management anticipates extending a conditional offer the week of October 25, 2021.

The vacant Office Technician (OT) position mentioned in the last Enforcement Summary has been filled and the incumbent reported to work on August 23, 2021.

DCU management and staff continue to work on updates to the procedure manual and needed documents, while also working to file administrative actions timely.

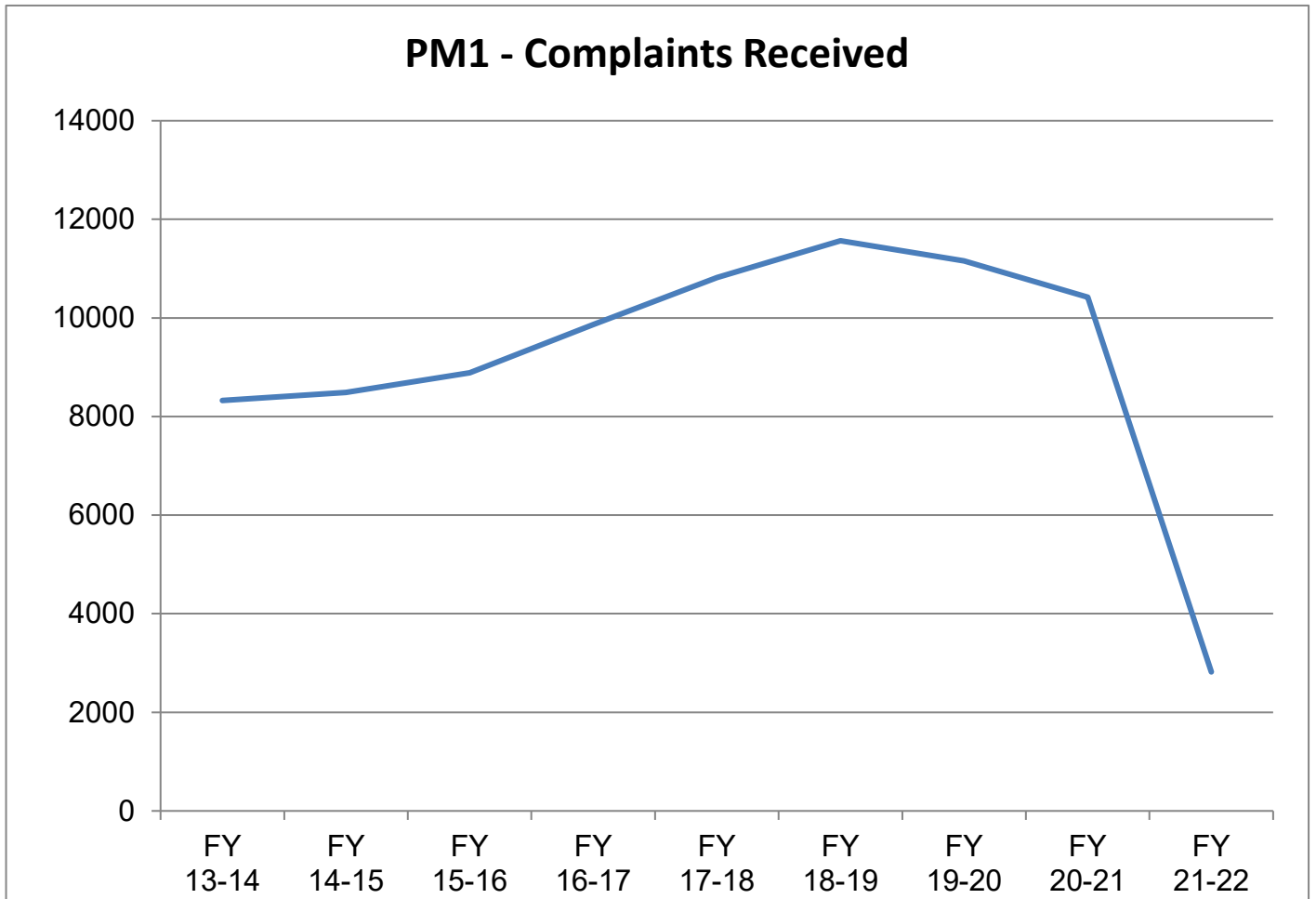
Probation Unit:

The Probation Unit currently has two vacant Inspector positions, one in Cerritos and one in Fresno. Interviews for both vacancies have been conducted and management is working with human resources to determine eligibility for the top candidates.

Probation Inspectors continue to telework but have returned to conducting quarterly interviews at work sites when possible. If a face-to-face interview at a work site is not feasible due to COVID-19, interviews are conducted via MS Teams.

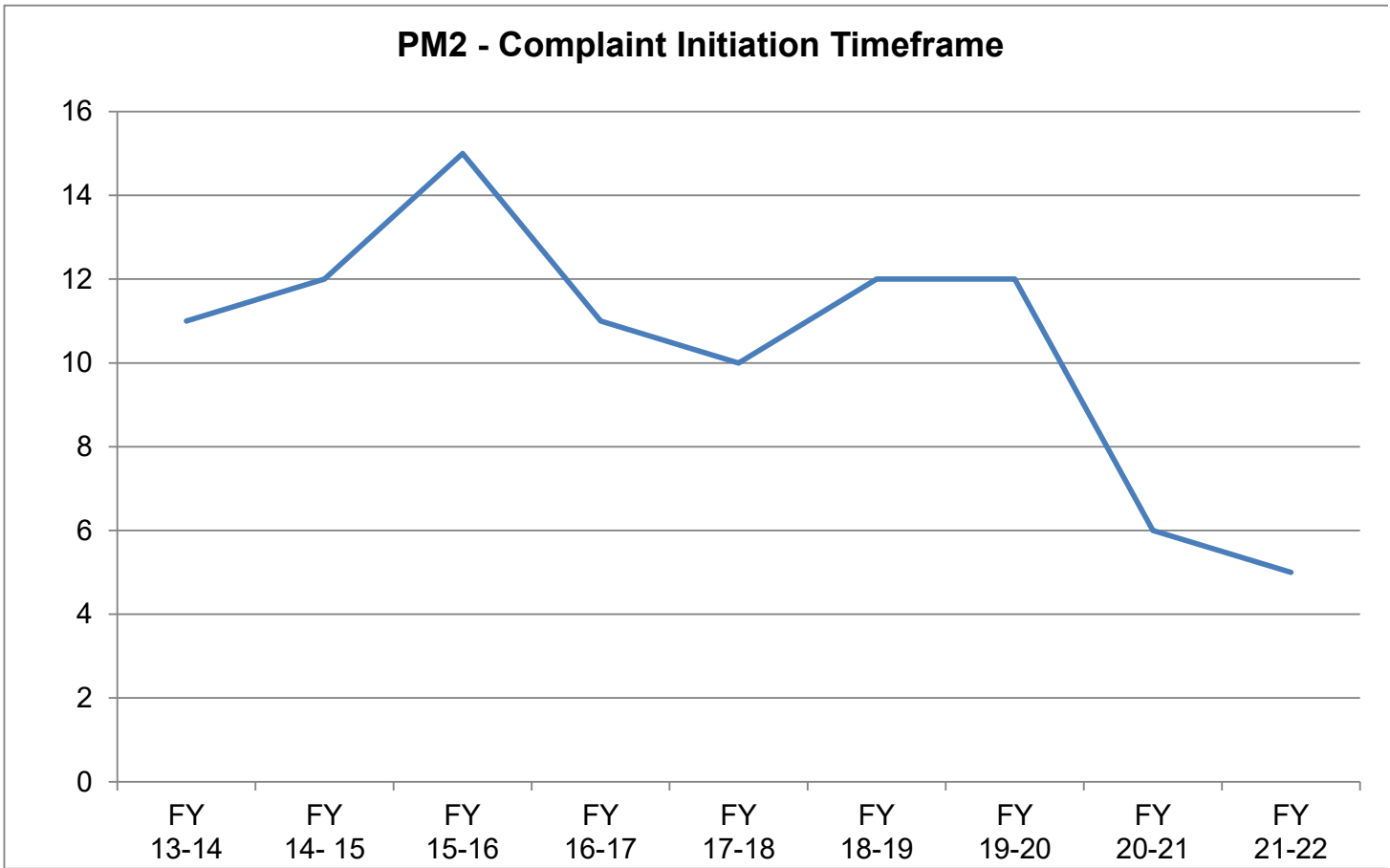
During this quarter, four Petitions to Revoke Probation and three Accusations/Petitions to Revoke Probation have been transmitted to the Attorney General's Office. Four petitions to Revoke Probation and four Accusations/Petitions to Revoke Probation have been filed.

**Medical Board of California Enforcement Program  
PM1 - Complaints Received**



<b>Month</b>	<b>FY 13-14</b>	<b>FY 14-15</b>	<b>FY 15-16</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>
<b>Volume</b>	8325	8490	8885	9862	10817	11565	11155	10418	2820

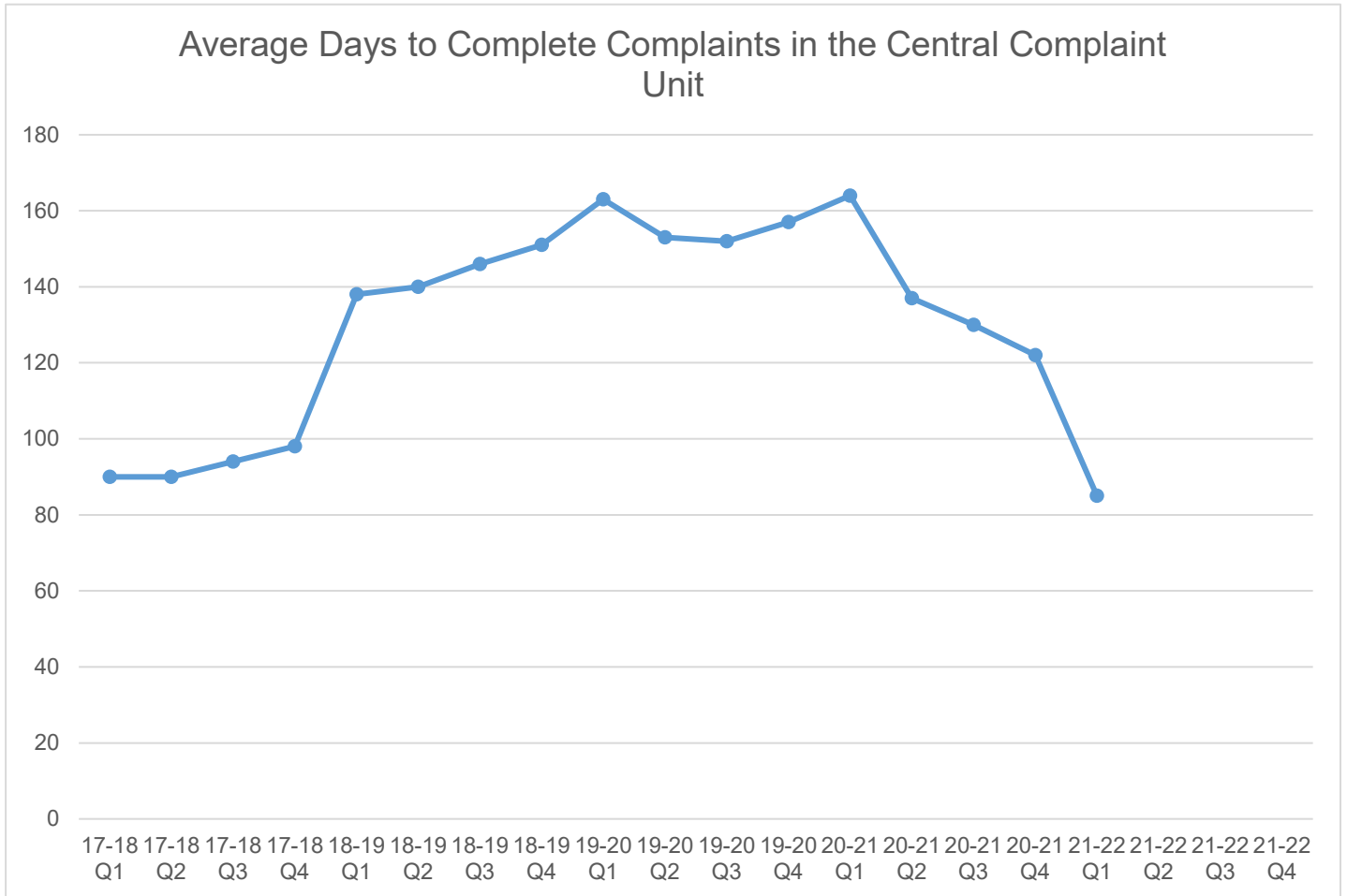
**Medical Board of California Enforcement Program  
PM2 - Complaint Initiation Timeframe**



Month	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22
Cycle Time	11	12	15	11	10	12	12	6	5

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

<b>Quarter</b>	<b>Fiscal Year 17-18</b>	<b>Fiscal Year 18-19</b>	<b>Fiscal Year 19-20</b>	<b>Fiscal Year 20-21</b>	<b>Fiscal Year 21-22</b>
Quarter 1	90	138	163	164	85
Quarter 2	90	140	153	137	
Quarter 3	94	146	152	130	
Quarter 4	98	151	157	122	

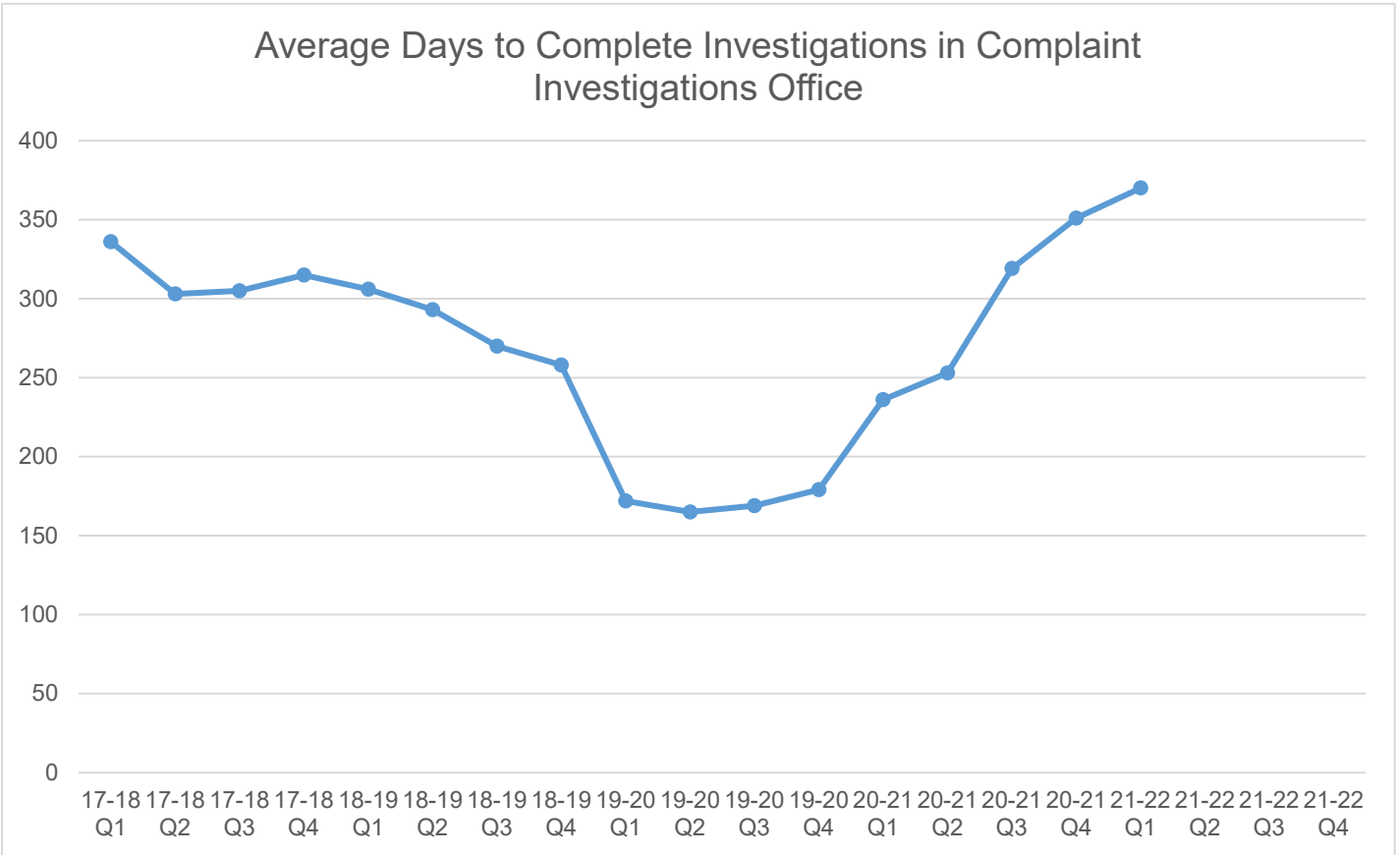


Average Days to Complete Complaints in Complaint Unit includes complaints resolved by Complaint Unit and Complaint Unit processing days for cases completed at field investigation.



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

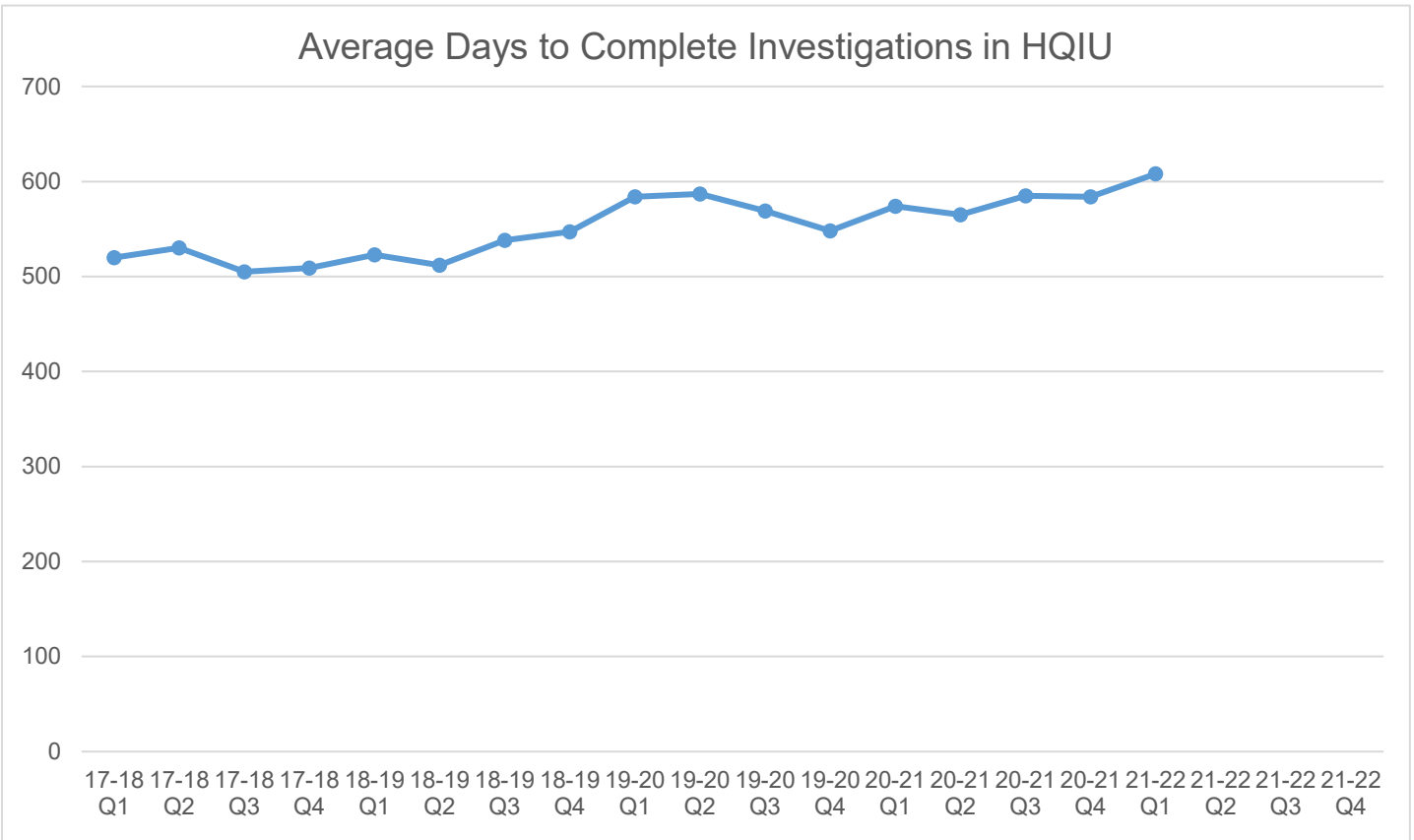
<b>Quarter</b>	<b>Fiscal Year 17-18</b>	<b>Fiscal Year 18-19</b>	<b>Fiscal Year 19-20</b>	<b>Fiscal Year 20-21</b>	<b>Fiscal Year 21-22</b>
Quarter 1	336	306	172	236	370
Quarter 2	303	293	165	253	
Quarter 3	305	270	169	319	
Quarter 4	315	258	179	351	



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**

Quarter	Fiscal Year 17-18	Fiscal Year 18-19	Fiscal Year 19-20	Fiscal Year 20-21	Fiscal Year 21-22
Quarter 1	520	523	584	574	608
Quarter 2	530	512	587	565	
Quarter 3	505	538	569	585	
Quarter 4	509	547	548	584	



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 8 days through September 2021. Includes physician and surgeon data only.

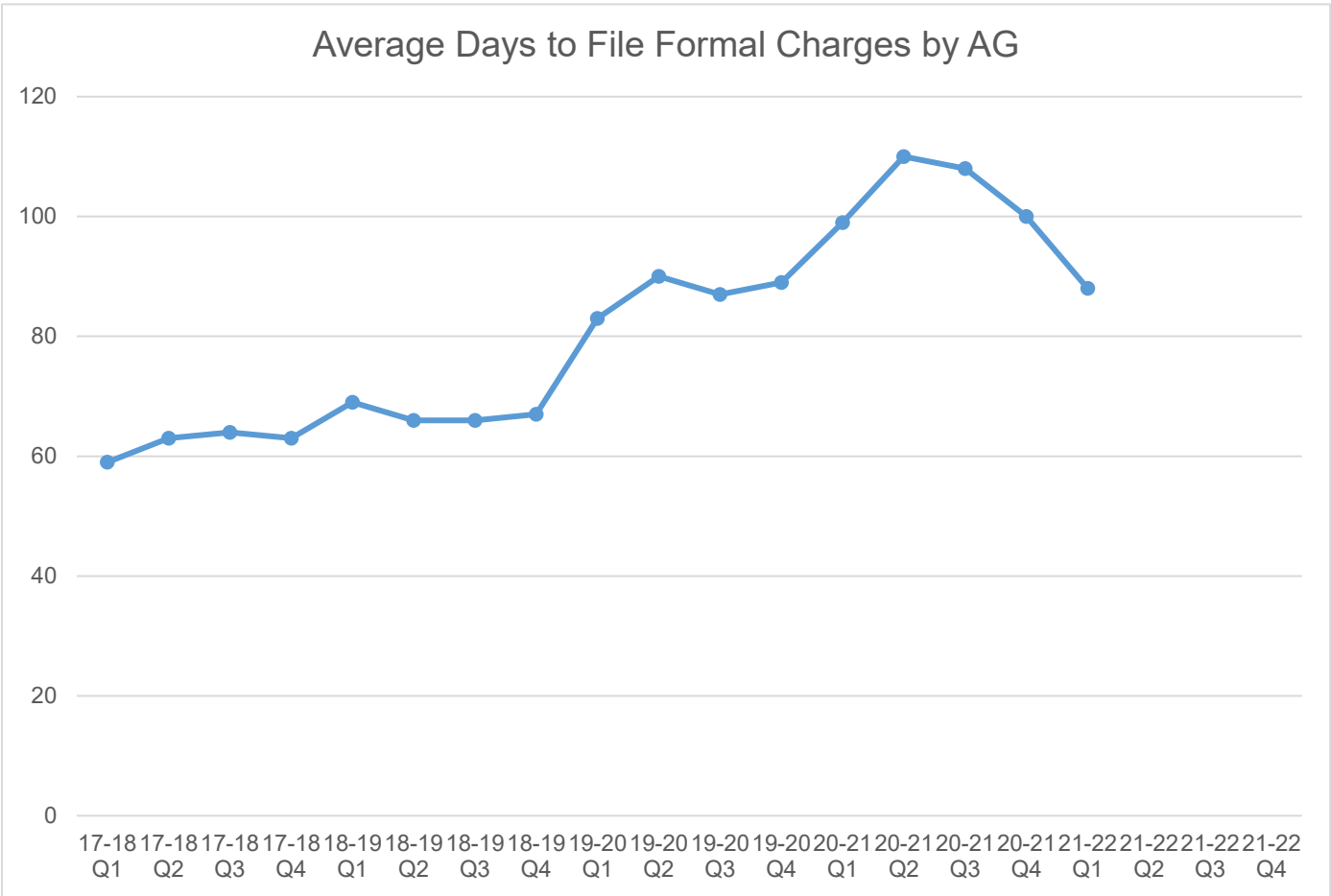
**California Enforcement Program**  
**Average HQIU Investigation Days by Case Type**

<b>Case Type by Fiscal Year</b>	<b>17-18</b>	<b>18-19</b>	<b>19-20</b>	<b>20-21</b>	<b>21-22</b>
Overall	509	548	548	584	608
Gross Negligence/Incompetence	549	597	561	588	614
Inappropriate Prescribing	564	548	665	651	689
Unlicensed Activity	450	482	529	659	573
Sexual Misconduct	493	494	426	460	457
Mental/Physical Illness	399	460	481	476	589
Self-Abuse of Drugs/Alcohol	528	413	417	416	690
Fraud	328	661	469	560	581
Conviction of a Crime	396	585	528	444	536
Unprofessional Conduct	504	565	492	483	557

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 8 days through September 2021. Includes physician and surgeon data only.

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

<b>Quarter</b>	<b>Fiscal Year 17-18</b>	<b>Fiscal Year 18-19</b>	<b>Fiscal Year 19-20</b>	<b>Fiscal Year 20-21</b>	<b>Fiscal Year 21-22</b>
Quarter 1	59	69	83	99	88
Quarter 2	63	66	90	110	
Quarter 3	64	66	87	108	
Quarter 4	63	67	89	100	



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.

**ENFORCEMENT TIMEFRAMES**

<b>Fiscal Year</b>	<b>17-18 <sup>1</sup> Average</b>	<b>17-18 <sup>1</sup> Median</b>	<b>18-19 Average</b>	<b>18-19 Median</b>	<b>19-20 Average</b>	<b>19-20 Median</b>	<b>20-21 Average</b>	<b>20-21 Median</b>	<b>20-21 <sup>2</sup> Average</b>	<b>20-21 <sup>2</sup> Median</b>
COMPLAINT PROCESSING	98	58	151	122	157	111	122	54	85	42
INVESTIGATION PROCESSING - MBC - CIO (Complaint Investigation Office)	316	251	258	127	179	133	351	283	370	346
INVESTIGATION PROCESSING - HQIU (Health Quality Investigation Unit)	510	483	547	502	548	517	584	585	608	649
<b>TOTAL MBC &amp; HQIU DAYS</b>	119	68	179	141	171	127	143	68	108	50
<b>TOTAL MBC &amp; HQIU YEARS</b>	0.33	0.19	0.49	0.39	0.47	0.35	0.39	0.19	0.30	0.14
AG PREP - Attorney General Preparation for Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues	63	51	67	55	89	70	100	72	88	73
POST - Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues	322	285	333	311	369	345	384	351	373	352
ACCUSATION DECLINED BY AG	114	19	53	32	48	29	45	30	48	34
<b>TOTAL AG DAYS</b>	327	286	339	312	374	354	470	447	469	446
<b>TOTAL AG YEARS</b>	0.90	0.78	0.93	0.85	1.02	0.97	1.29	1.22	1.28	1.22
<b>TOTAL MBC &amp; AG DAYS</b>	926	939	1016	1057	1090	1110	1129	1193	1066	1093
<b>TOTAL MBC &amp; AG YEARS</b>	2.54	2.57	2.78	2.90	2.99	3.04	3.09	3.27	2.92	2.99

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>2</sup> Data through 9/30/21.

Includes physician and surgeon data only.

**Pending Enforcement Caseload Summary<sup>1</sup>**

Data Current as of 10/20/2021

	0-3 Months	4-6 Months	7-9 Months	10-12 Months	1 Year	2 Years	3 Years	4 Years	Over 4 Years	Total by Group	Previous Quarter Data	Variance	% Variance
<b>Central Complaint Unit</b>	1,323	689	425	62	33	1	0	0	0	<b>2,533</b>	2,284	249	11%
<b>Complaint Investigation Unit</b>	51	38	25	10	33	15	0	0	0	<b>172</b>	179	-7	-4%
<b>Health Quality Investigation Unit</b>	146	214	212	178	422	205	1	0	0	<b>1,378</b>	1,501	-123	-8%
<b>Completed Investigations Awaiting Disposition<sup>2</sup></b>	15	1	0	0	0	0	0	0	0	<b>16</b>	24	-8	-33%
<b>Citation and Fine Desk</b>	33	31	31	5	144	11	0	1	0	<b>256</b>	256	0	0%
<b>Out-of-State Desk</b>	46	12	3	0	3	0	0	0	0	<b>64</b>	40	24	60%
<b>AG Services<sup>3</sup></b>	21	17	11	4	5	0	0	0	0	<b>58</b>	59	-1	-2%
<b>AG-Pre<sup>4</sup></b>	103	35	16	17	53	7	11	1	1	<b>244</b>	249	-5	-2%
<b>AG-Post<sup>5</sup></b>	87	86	88	68	84	14	6	5	2	<b>440</b>	427	13	3%
<b>Total by Age</b>	<b>1,825</b>	<b>1,123</b>	<b>811</b>	<b>344</b>	<b>777</b>	<b>253</b>	<b>18</b>	<b>7</b>	<b>3</b>	<b>5,161</b>	5,019	142	3%

<sup>1</sup> Includes physician and surgeon data only.

<sup>2</sup> Represents the number of completed investigations returned by HQIU to the Board for review and determination of outcome.

<sup>3</sup> AG Services includes petitions to compel, subpoena enforcement, and referrals for citation appeals.

<sup>4</sup> AG-Pre includes cases transmitted to the AG but the Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues is not yet filed.

<sup>5</sup> AG-Post includes Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues that have been filed.

\* Probation Monitoring caseload removed at the request of the Board.

Administrative Outcomes for Physicians and Surgeons by Quarter

Types of Outcomes	FY 21/22				Total
	Quarter 1	Quarter 2	Quarter 3	Quarter 4	
<b>Administrative Outcomes</b>					
License Revoked	11				11
License Surrendered (in Lieu of Accusation or with Accusation Pending)	26				26
License Placed on Probation with Suspension	0				0
License Placed on Probation	39				39
Probationary License Issued	4				4
Public Reprimand	30				30
Other Action	1				1
<b>Referral and Compliance Actions</b>					
Citation and Administrative Fines Issued	28				28

Types of Outcomes	FY 17-18	FY 18-19	FY 19-20	FY 20-21
<b>Administrative Outcomes</b>				
License Revoked	59	60	35	49
License Surrendered (in Lieu of Accusation or with Accusation Pending)	98	95	96	125
License Placed on Probation with Suspension	5	2	4	4
License Placed on Probation	139	158	144	132
Probationary License Issued	16	22	22	19
Public Reprimand	133	135	108	154
Other Action	0	0	0	2
<b>Referral and Compliance Actions</b>				
Citation and Administrative Fines Issued	150	158	62	51