

## MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: August 15, 2024  
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.

Central Complaint Unit:

The average number of days to initiate a complaint in the Central Complaint Unit (CCU) is 6 for the fourth quarter of FY 2023-2024, 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 is 123 days. CCU staff and management continue to work diligently to ensure communication with consumers is sent at various milestones throughout the complaint process, review new complaints in a timely manner, send out requests for necessary information in a timely manner, and reduce the overall aging of all complaint types.

CCU currently has one Management Service Technician (MST) vacancy. Management is working with human resources to finalize pending hiring clearances. CCU currently has two (2) Associate Governmental Program Analyst vacancies, one vacancy was due to retirement and the other was due to the employee accepting a position with another Board. Both AGPA vacancies were advertised, management reviewed applications for the vacant positions and will schedule interviews.

CCU management continues to work with the Board's Information Systems Branch (ISB) to implement necessary codes for the BreEZe database. CCU management and staff continue working on updating procedures, reviewing, and updating letters sent to consumers, licensees, and other stakeholders. CCU management continues to review forms for any necessary updates to content.

Complaint Liaison Unit:

As discussed at the Quarterly Board Meeting in November 2023, implementation of the Complainant Liaison Unit (CLU) was delayed until six months after the allocation of new staff positions in the annual Budget Act. The creation of the CLU was part of a sunset bill, which included various statutory changes requested by the Board, including the establishment of the CLU (Business and Professions Code section 2220.1). Staff positions were allocated in the annual Budget Act and Enforcement management finalized duty statements for all 9 positions (1 Staff Services Manager I (SSM I) and 8

Associate Governmental Program Analyst (AGPA) positions and submitted to DCA human resources for processing so the positions may be advertised.

Expert Reviewer Program:

There are currently 728 active experts in the Board's expert database. The expert program continued to utilize a recently updated report, designed to streamline the identification and renewal of expiring contracts, resulting in an increased number of renewals. Over the last 90 days, 43 renewal reminders have been sent out and 27 experts have renewed, to continue work as active reviewers. Expert program staff continued to utilize a recently created report to streamline searching for and selecting, mental and physical evaluators by region. Staff also processed sample reports from the April training, to provide feedback and allow more reviewers access to the higher rate of pay. Expert program analysts routinely process billing submitted by experts and work with HQUI, EPU, and Deputy Attorney General staff, to aid with the selection of experts for cases assigned to their units. Expert program staff continued the development of the new distance learning training platform to replace the quarterly Webex format. Staff in both programs continually review applications to ensure applicants meet minimum requirements. Once confirmed, staff in the expert reviewer and medical consultant programs will initiate contracts to utilize the services of the new expert reviewers and medical consultants. Expert program held a training session via Webex on August 17<sup>th</sup>, 2024. There were 28 MDs and 16 DOs registered for the August session.

Advertisement in the Board's June 2024 newsletter was revamped with a focus on the need for the following specialties in addition to midwifery reviewers:

- Addiction medicine with added certification in Family, Internal, or Psychiatry
- Family Medicine
- General Surgery
- Pain Medicine
- Plastic Surgery

The following specialties were also included in the June 2024 Newsletter advertisement:

- Cardiology
- Clinical Genetics
- Colon/Rectal Surgery
- Dermatology
- Gastroenterology
- Hematology
- Interventional Cardiology
- Midwife Reviewer
- Neurological Surgery
- Neurology
- Obstetrics and Gynecology (with added expertise in Gynecologic Oncology)
- Orthopedic Surgery

- Pediatric Endocrinology
- Pathology (preferably from the following counties: Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, and Ventura)
- Pediatric Gastroenterology
- Pediatric Surgery
- Pediatric Cardiac Surgery
- Pediatric Critical Care
- Pediatric Pulmonology
- Psychiatry (Forensic and Addiction)
- Radiation Oncology
- Thoracic and Cardiac Surgery
- Urology (General and Gender Reassignment)

Central Investigation Office:

As of 7/1/2024, The Complaint Investigation Office (CIO) non-sworn special investigators currently had a unit caseload of 252 cases which breaks down into approximately 39 cases each. In order to determine the average, we excluded the supervisor's position and counted one staff member as 1/2 position; resulting in 6.5 total positions.

These findings are for physician and surgeon cases for the date range of 4/1/2024 through 6/30/2024: Since the last enforcement summary, CIO has closed 55 cases and transmitted 26 cases to the Attorney General's Office – 16 criminal conviction cases, 8 malpractice cases, 1 vaccination exemption case, one allegation of negligence, and 2 petitions for reinstatement. Additionally, the CIO referred one case for a PLR.

Discipline Coordination Unit:

The Discipline Coordination Unit (DCU) currently has three vacancies, two Associate Governmental Program Analyst (AGPA) positions and one Management Services Technician (MST) position. Interviews for all positions have been conducted. Eligibility determination for the MST candidates has been obtained and management is currently completing background clearance for the eligible candidate. One AGPA position has been filled and the employee will report to work on August 26, 2024. Management is awaiting final eligibility determination of the top candidates for the remaining AGPA position.

DCU staff and management continue to work to identify and implement needed process improvements and procedure manual updates, while simultaneously ensuring timely processing of disciplinary actions.

Probation Unit:

The Probation Unit currently has three vacant probation monitoring positions, one in Sacramento and two in San Dimas. The vacant Inspector position in Glendale was filled and the employee reported to work on May 20, 2024. Management was successful in reclassifying the remaining vacant positions to the Associate Governmental Program Analyst classification and interviews for the vacancy in Sacramento were conducted. Management is awaiting final eligibility determination for the top candidates. Advertisement of the positions in San Dimas is expected in August 2024.

During the 4<sup>th</sup> quarter of FY 2023-2024, 30 licensees were placed on probation, 1 licensee was placed on probation with suspension, and 4 probationary licenses were issued. Twenty licensees successfully completed probation and nine probationers surrendered their license while on probation. As of July 1, 2024, there are 585 licensees currently on probation, both in and out of state. Nineteen Citations were issued for violations of probation. Five Cease Practice Orders were issued for violations of probation. Six Petitions to Revoke Probation were transmitted to the Attorney General's Office. One Petition to Revoke Probation was filed and one Accusation/Petition to Revoke Probation was filed.

Physician and Surgeon Petition to Revoke/Accusation Petition to Revoke	4/1/2024 – 6/30/2024
Petition to Revoke Probation Referred to the AG	6
Accusation and Petition to Revoke Probation Referred to the AG	0
Petition to Revoke Probation Filed	1
Accusation and Petition to Revoke Probation Filed	1

**Current Probationers (in and out of state) as of 7/1/2024**

585

**Number of Probations Imposed or Probationary Licenses Issued**

Probations Imposed: 30

Probations with Suspension Imposed: 1

Probationary Licenses Issued: 4

**Number of Probation Terms Successfully completed**

20

**Number of Surrenders on Probation**

9

**Number of Petitions to Revoke Probation concluded with discipline.**

The Board cannot report specifically petitions to revoke probation granted as the Board does not track data in that way. However, the Board can report outcomes where the filing is a petition to revoke and there was a disciplinary outcome (not withdrawn or dismissed). Some decisions may have a “granted in part and denied in part” outcome so this is the safest way to accurately report this data.

3 petitions to revoke resulted in:

1 Probation

1 Other Decision

1 Revocation

**Number of Citations issued where the allegation code for violation of probation is present on the record**

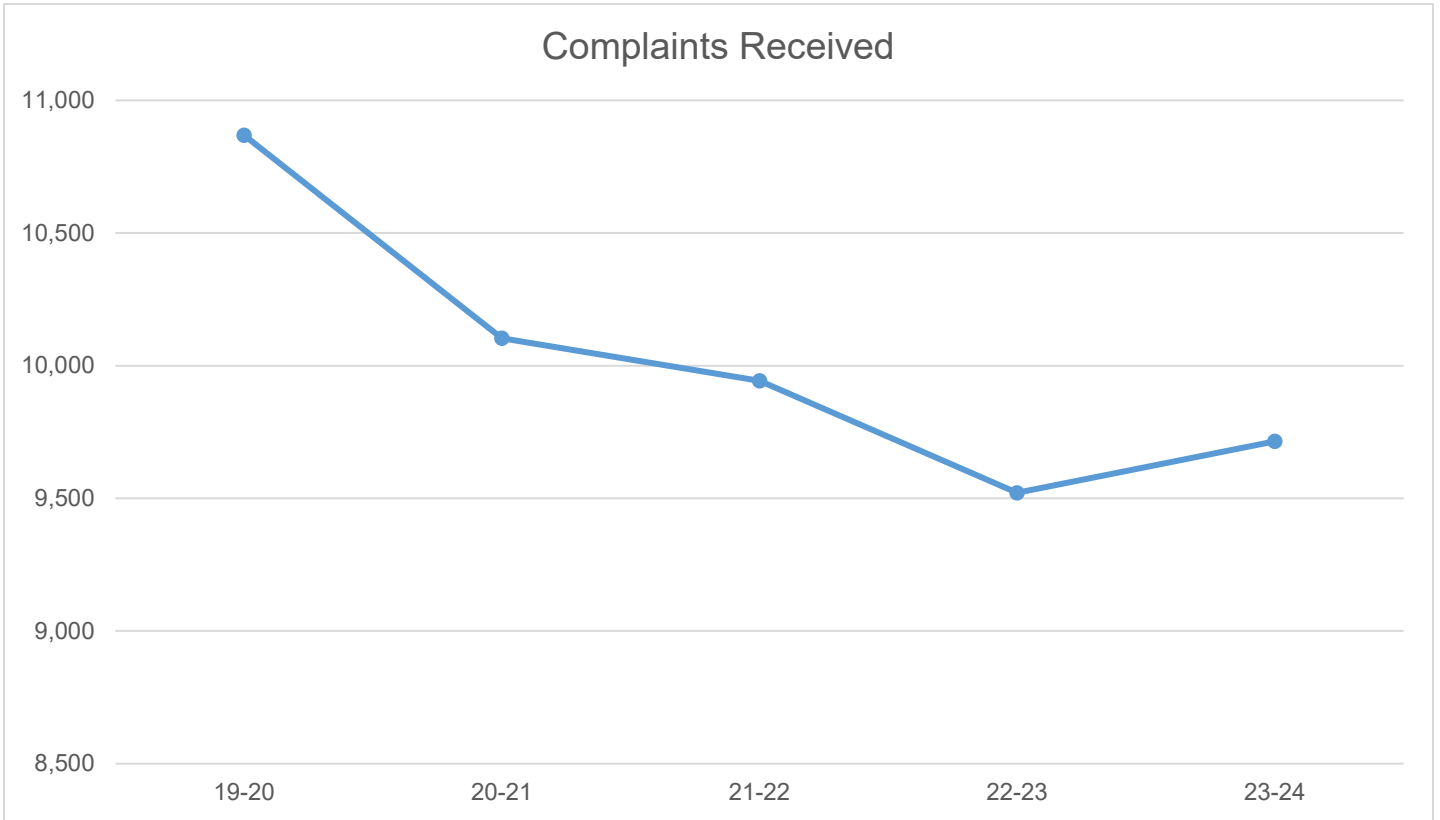
19

**Total Number of Cease Practices Issued** (with detail to determine if a violation of probation occurred that resulted in the cease practice)

5

**Medical Board of California Enforcement Program  
Physician and Surgeon Complaints Received**

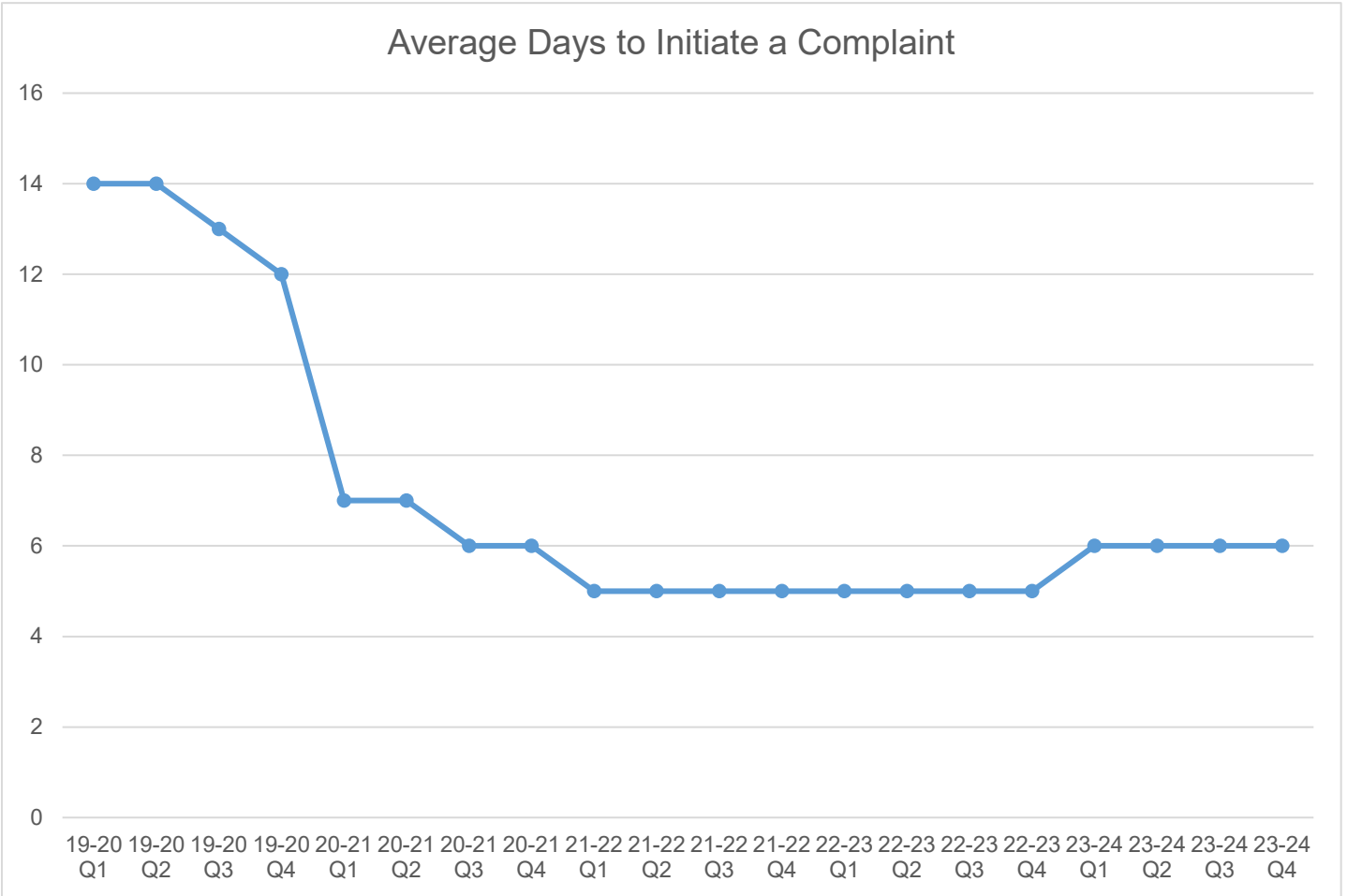
	<b>Fiscal Year 19-20</b>	<b>Fiscal Year 20-21</b>	<b>Fiscal Year 21-22</b>	<b>Fiscal Year 22-23</b>	<b>Fiscal Year 23-24</b>
<b>Volume</b>	10,868	10,103	9,943	9,521	9,715



Complaints received by the Board through June, 2024.  
Includes physician and surgeon data only.

**Medical Board of California Enforcement Program  
Average Days to Initiate a Complaint in the Central Complaint Unit**

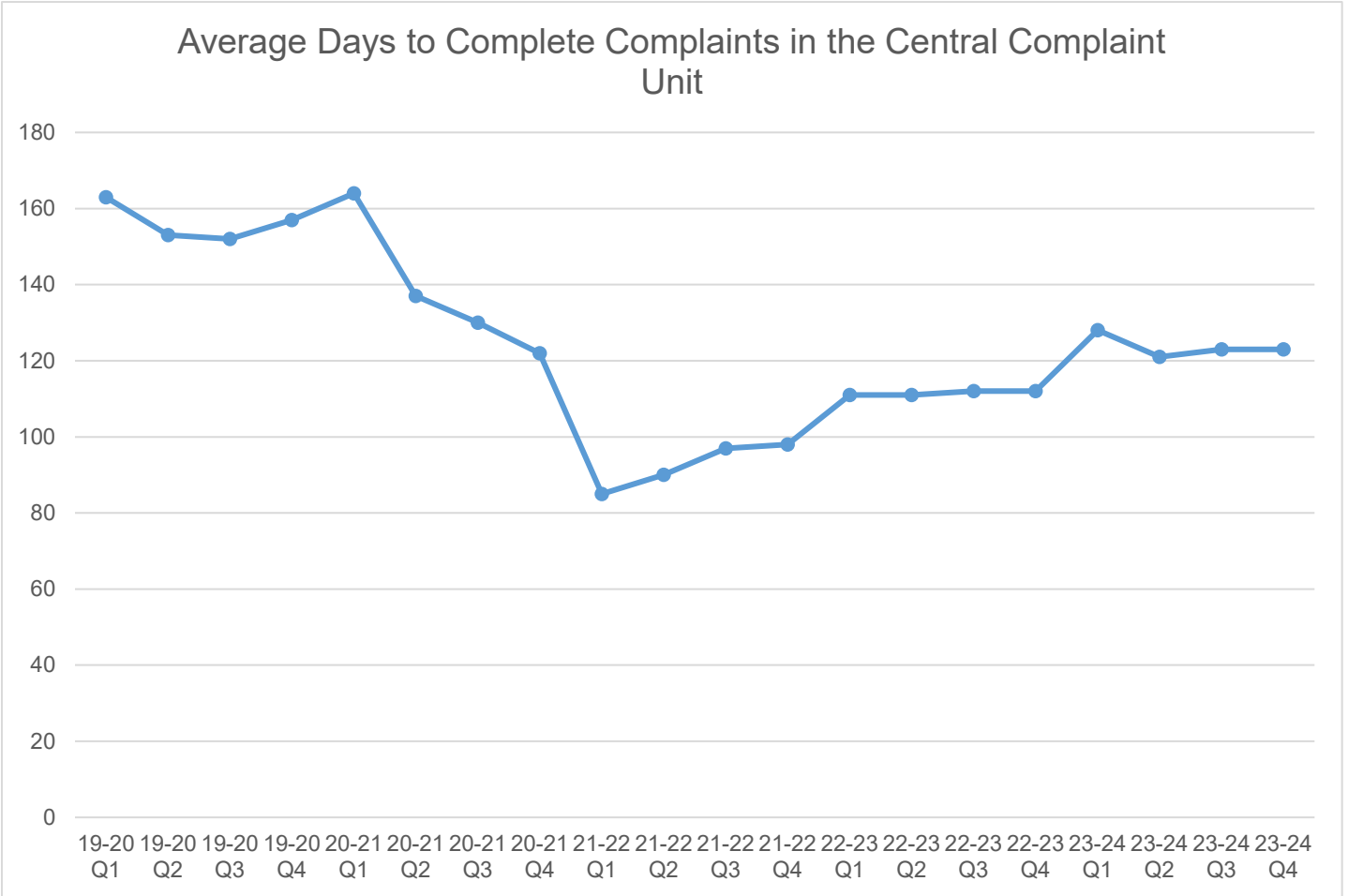
Quarter	Fiscal Year 19-20	Fiscal Year 20-21	Fiscal Year 21-22	Fiscal Year 22-23	Fiscal Year 23-24
Quarter 1	14	7	5	5	6
Quarter 2	14	7	5	5	6
Quarter 3	13	6	5	5	6
Quarter 4	12	6	5	5	6



Average Days to Initiate a Complaint in the Complaint Unit.  
Includes physician and surgeon data only.

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

<b>Quarter</b>	<b>Fiscal Year 19-20</b>	<b>Fiscal Year 20-21</b>	<b>Fiscal Year 21-22</b>	<b>Fiscal Year 22-23</b>	<b>Fiscal Year 23-24</b>
Quarter 1	163	164	85	111	128
Quarter 2	153	137	90	111	121
Quarter 3	152	130	97	112	123
Quarter 4	157	122	98	112	123

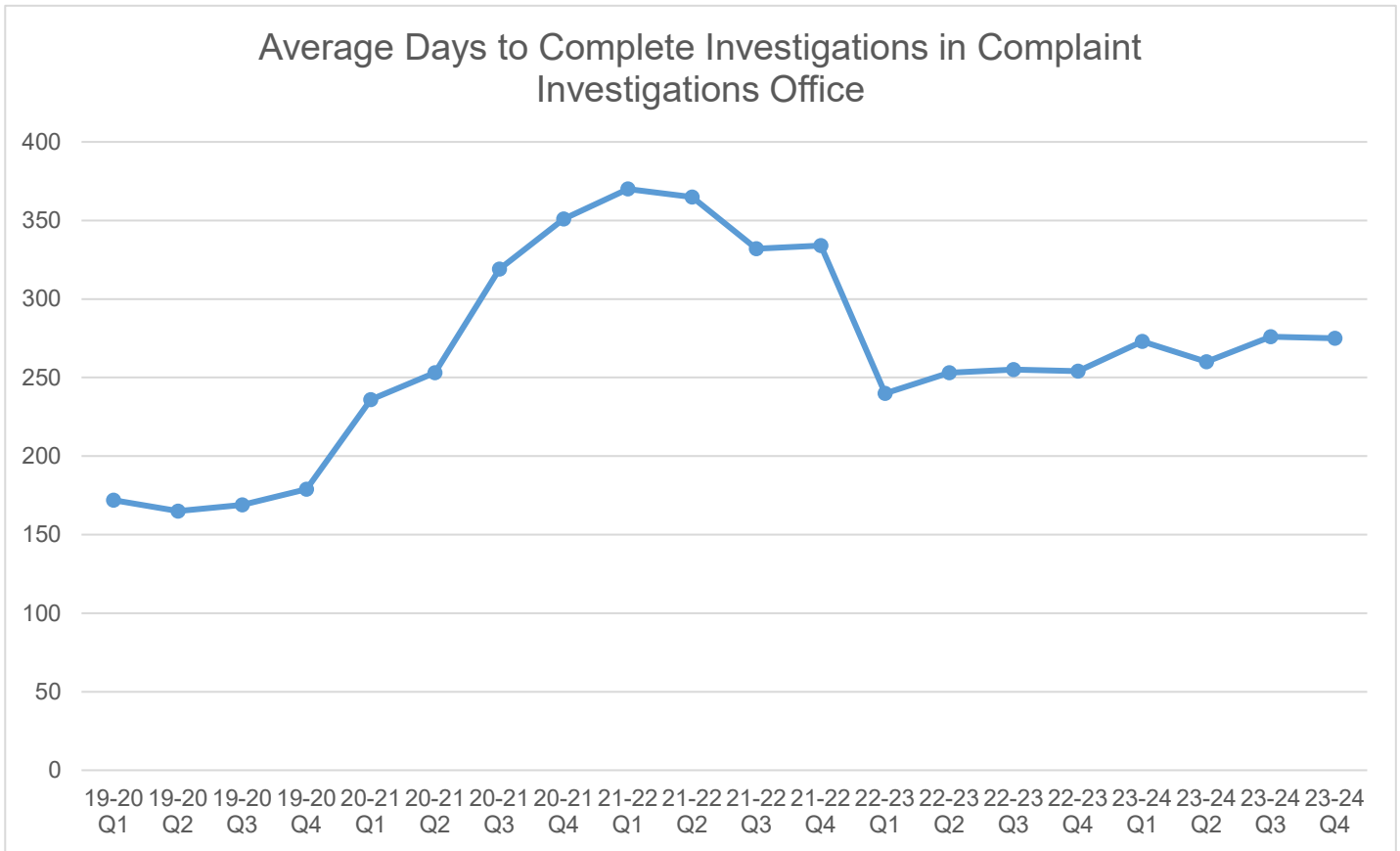


Average Days to Complete Complaints in Complaint Unit includes complaints resolved by Complaint Unit and Complaint Unit processing days for cases completed at field investigation.



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

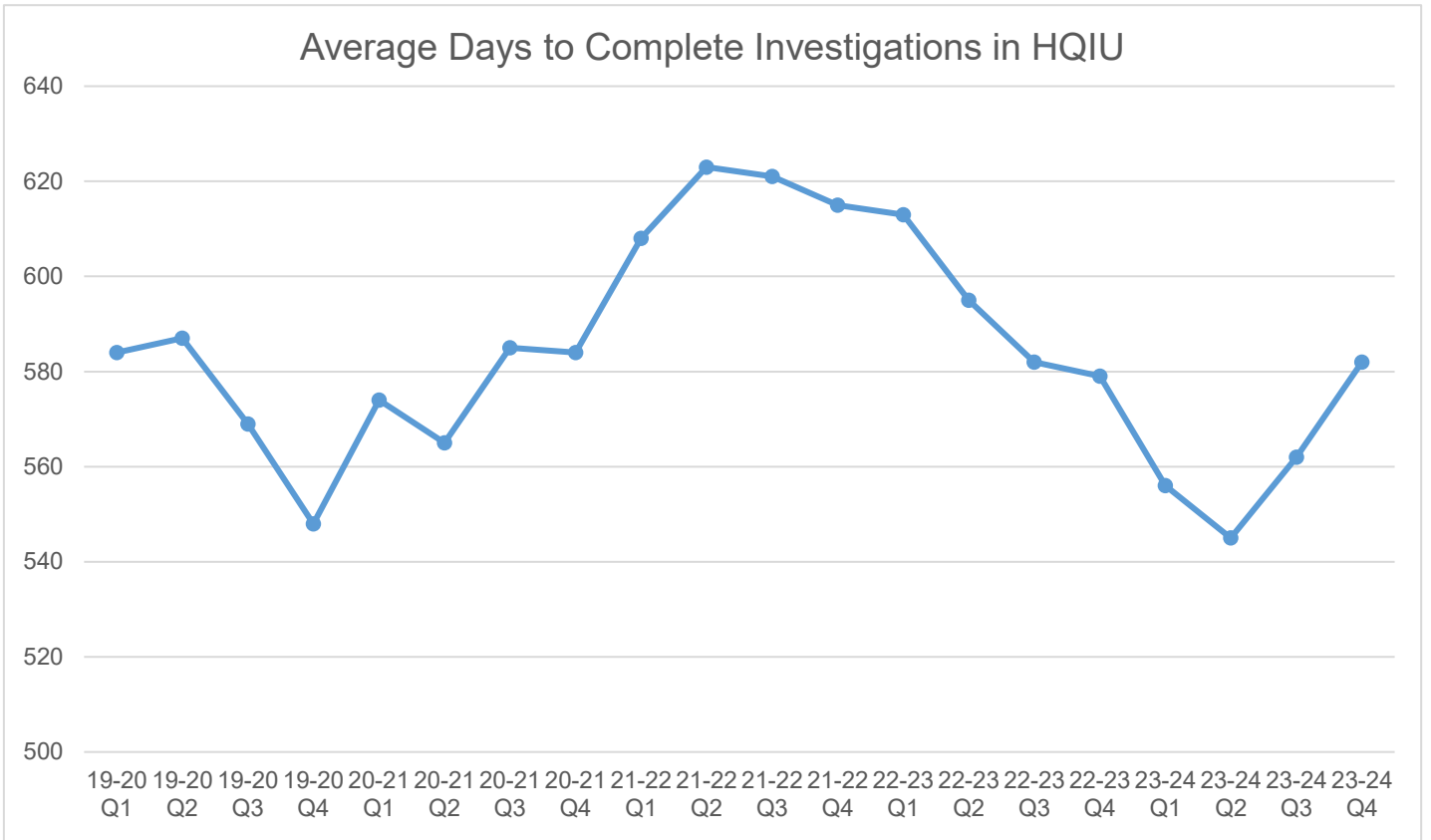
Quarter	Fiscal Year 19-20	Fiscal Year 20-21	Fiscal Year 21-22	Fiscal Year 22-23	Fiscal Year 23-24
Quarter 1	172	236	370	240	273
Quarter 2	165	253	365	253	260
Quarter 3	169	319	332	255	276
Quarter 4	179	351	334	254	275



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 19-20	Fiscal Year 20-21	Fiscal Year 21-22	Fiscal Year 22-23	Fiscal Year 23-24
Quarter 1	584	574	608	613	556
Quarter 2	587	565	623	595	545
Quarter 3	569	585	621	582	562
Quarter 4	548	584	615	579	582



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 17 days through June 2024. Includes physician and surgeon data only.

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

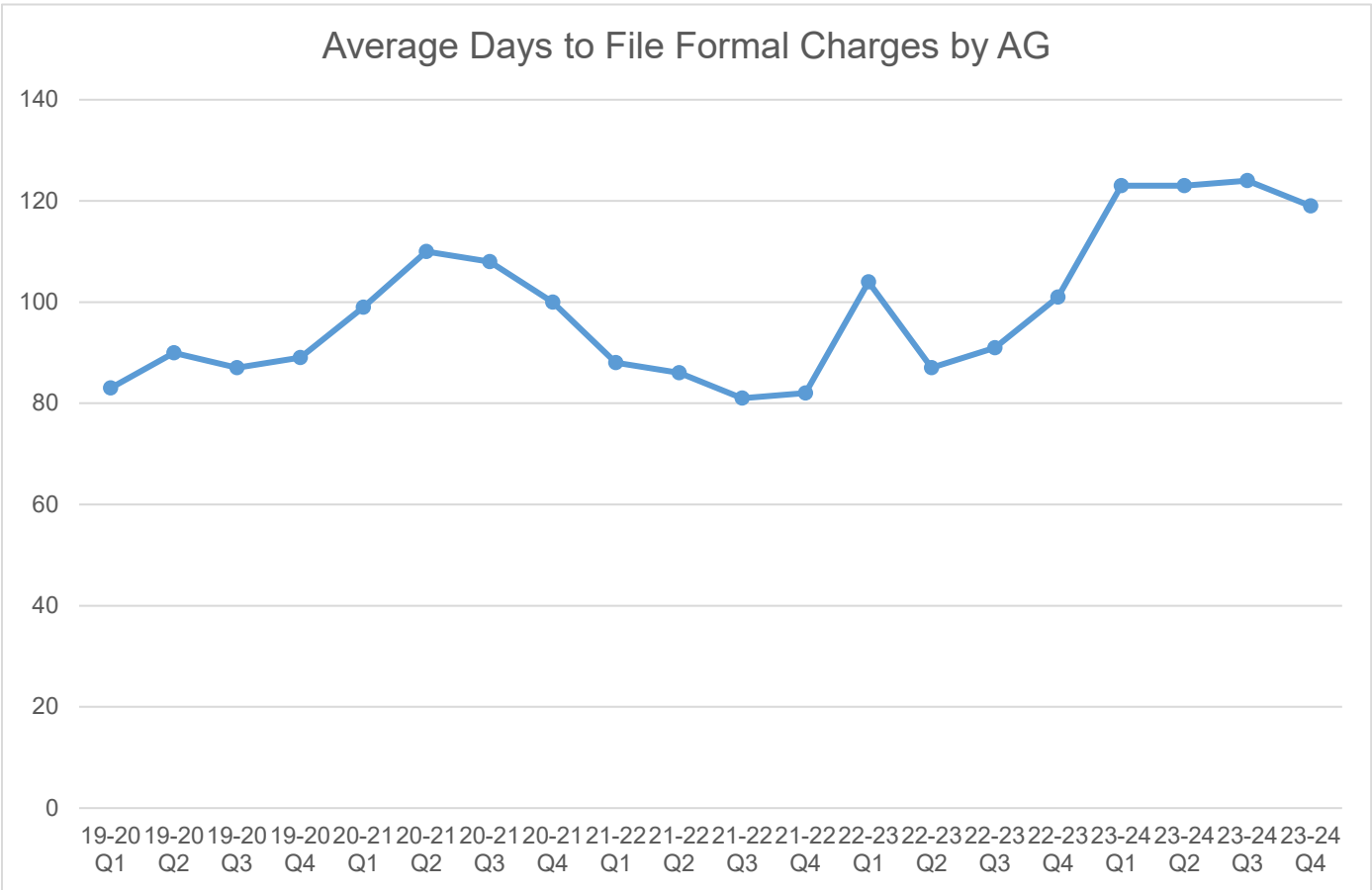
<b>Case Type by Fiscal Year</b>	<b>19-20</b>	<b>20-21</b>	<b>21-22</b>	<b>22-23</b>	<b>23-24</b>
Overall	548	584	615	579	582
Gross Negligence/Incompetence	561	588	632	621	588
Inappropriate Prescribing	665	651	714	634	598
Unlicensed Activity	529	659	636	577	538
Sexual Misconduct	426	460	580	490	540
Mental/Physical Illness	481	476	529	486	455
Self-Abuse of Drugs/Alcohol	417	416	445	469	521
Fraud	469	560	419	418	733
Conviction of a Crime	528	444	381	504	379
Unprofessional Conduct	492	483	564	526	620

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 17 days through June 2024. Includes physician and surgeon data only.

Agenda Item 6C

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

Quarter	Fiscal Year 19-20	Fiscal Year 20-21	Fiscal Year 21-22	Fiscal Year 22-23	Fiscal Year 23-24
Quarter 1	83	99	88	104	123
Quarter 2	90	110	86	87	123
Quarter 3	87	108	81	91	124
Quarter 4	89	100	82	101	119



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.

Types of Outcomes	FY 23/24				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total
<b>Administrative Outcomes</b>					
License Revoked	9	9	2	3	23
License Surrendered (in Lieu of Accusation or with Accusation Pending)	19	27	32	24	102
License Placed on Probation with Suspension	0	0	1	1	2
License Placed on Probation	39	35	33	30	137
Probationary License Issued	1	3	2	4	10
Public Reprimand	15	24	16	42	97
Other Action	0	1	1	1	3
<b>Referral and Compliance Actions</b>					
Citation and Administrative Fines Issued	42	24	18	51	135

Types of Outcomes	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24
<b>Administrative Outcomes</b>					
License Revoked	35	49	36	36	23
License Surrendered (in Lieu of Accusation or with Accusation Pending)	96	125	106	89	102
License Placed on Probation with Suspension	4	4	7	4	2
License Placed on Probation	144	132	156	153	137
Probationary License Issued	22	19	14	17	10
Public Reprimand	108	154	118	76	97
Other Action	0	2	1	4	3
<b>Referral and Compliance Actions</b>					
Citation and Administrative Fines Issued	62	51	122	195	135

## ENFORCEMENT TIMEFRAMES

Fiscal Year	19-20 Average	19-20 Median	20-21 Average	20-21 Median	21-22 Average	21-22 Median	22-23 Average	22-23 Median	23-24 <sup>1</sup> Average	23-24 <sup>1</sup> Median
COMPLAINT PROCESSING	157	111	122	54	98	55	112	63	123	52
INVESTIGATION PROCESSING - MBC - CIO (Complaint Investigation Office)	179	133	351	283	334	251	254	210	275	240
INVESTIGATION PROCESSING - HQIU (Health Quality Investigation Unit)	548	517	584	585	615	633	579	563	582	556
<b>TOTAL MBC &amp; HQIU DAYS</b>	171	127	143	68	176	81	175	97	177	77
<b>TOTAL MBC &amp; HQIU YEARS</b>	0.47	0.35	0.39	0.19	0.48	0.22	0.48	0.27	0.48	0.21
AG PREP - Attorney General Preparation for Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues	89	70	100	72	82	62	101	81	120	94
POST - Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues	369	345	384	351	388	372	487	432	439	392
ACCUSATION DECLINED BY AG	48	29	45	30	57	36	63	38	58	36
<b>TOTAL AG DAYS</b>	374	354	470	447	478	449	577	514	539	475
<b>TOTAL AG YEARS</b>	1.02	0.97	1.29	1.22	1.31	1.23	1.58	1.41	1.48	1.30
<b>TOTAL MBC &amp; AG DAYS</b>	1090	1110	1129	1193	1167	1239	1343	1413	1261	1305
<b>TOTAL MBC &amp; AG YEARS</b>	2.99	3.04	3.09	3.27	3.20	3.39	3.68	3.87	3.45	3.58

Years calculated using 365 days per year

<sup>1</sup> Data through 6/30/2024.

Includes physician and surgeon data only.

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

Data Current as of July 29, 2024

	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>	1,266	805	594	437	463	2	0	0	0	<b>3,567</b>	<b>3,348</b>	219	7%
<b>Complaint Investigation Unit</b>	56	43	50	37	57	9	0	0	0	<b>252</b>	<b>272</b>	-20	-7%
<b>Health Quality Investigation Unit</b>	174	179	135	169	329	67	0	0	0	<b>1,053</b>	<b>1,103</b>	-50	-5%
<b>Completed Investigations Awaiting Disposition<sup>2</sup></b>	117	17	0	0	0	0	0	0	0	<b>134</b>	<b>108</b>	26	24%
<b>Citation and Fine Desk</b>	12	10	8	3	10	1	4	1	0	<b>49</b>	<b>100</b>	-51	-51%
<b>Out-of-State Desk</b>	73	63	90	85	215	119	2	0	0	<b>647</b>	<b>575</b>	72	13%
<b>AG Services<sup>3</sup></b>	9	20	9	3	6	0	0	0	0	<b>47</b>	<b>50</b>	-3	-6%
<b>AG-Pre<sup>4</sup></b>	92	44	29	15	44	17	4	1	0	<b>246</b>	<b>228</b>	18	8%
<b>AG-Post<sup>5</sup></b>	61	78	40	39	47	13	1	1	4	<b>284</b>	<b>304</b>	-20	-7%
<b>Total by Age</b>	<b>1,860</b>	<b>1,259</b>	<b>955</b>	<b>788</b>	<b>1,171</b>	<b>228</b>	<b>11</b>	<b>3</b>	<b>4</b>	<b>6,279</b>	<b>6,088</b>	191	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.



C A L I F O R N I A  
DEPARTMENT OF JUSTICE

**Rob Bonta**  
**Attorney General**

1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550

August 8, 2024

Medical Board of the State of California  
2005 Evergreen Street, Suite 1200  
Sacramento, CA 95815-5401

**RE: Attorney General's Office Quarterly Update, August, 2024 Board Meeting**

Dear Board Members:

Thank you for the opportunity to provide the Attorney General's Office Quarterly update to you in writing.

The Health Quality Enforcement Section works collegially and closely with Executive Director Reji Varghese, Deputy Executive Director Marina O'Connor, Chief of Enforcement Jenna Jones, and their staff. We meet frequently with the Office of Administrative Hearings to assist in managing your administrative litigation work. We continue to work with the Department of Consumer Affairs' Health Quality Investigation Unit and your Complaint Investigation Office to litigate your filed Accusations matters, and manage other legal services. Effective July 1, 2024, the Attorney General's legal rates were increased. A copy of the letter notifying the Department of Consumer Affairs is attached.

It is an honor and privilege to serve you. Should you ever have any requests for a presentation or would like to pose specific questions, we are always available to assist you.

Sincerely,

GLORIA L. CASTRO  
Senior Assistant Attorney General

For ROB BONTA  
Attorney General





State of California  
Office of the Attorney General  
**Venus D. Johnson**  
Chief Deputy Attorney General

July 2, 2024

Attorney General Legal Services Clients:

Pursuant to Government Code Section 11044, the Attorney General is authorized to set a billing rate sufficient to recover the costs incurred in providing legal services. Existing rates were established September 1, 2019.

The Attorney General's costs in providing legal services have significantly increased primarily due to annual increases in personal services, operating expenses, and statewide prorata. Recent analyses indicate that an increase in the billing rates are necessary in order for the Attorney General to meet the requirements of Government Code section 11040, subdivision (a),<sup>1</sup> and continue providing critical legal services to client agencies.

Effective July 1, 2024, the Attorney General will increase its billing rates to \$228 per hour for attorney services, \$213 per hour for paralegal services, and \$202 per hour for auditor and research analyst services. Departments receiving legal services from the Department of Justice (DOJ) under a Memorandum of Understanding (MOU) are also subject to these new rates. To address budget adjustments that may be required by client agencies, departments should contact their Finance Budget Analyst at the Department of Finance as soon as possible.

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<sup>1</sup> Government Code section 11040, subdivision (a) provides:

It is the intent of the Legislature that overall efficiency and economy in state government be enhanced by employment of the Attorney General as counsel for the representation of state agencies and employees in judicial and administrative adjudicative proceedings.

The Legislature finds that it is in the best interests of the people of the State of California that the Attorney General be provided with the resources needed to develop and maintain the Attorney General's capability to provide competent legal representation of state agencies and employees in any judicial or administrative adjudicative proceeding.

Attorney General Legal Services Clients

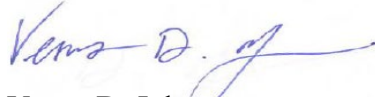
July 2, 2024

Page 2

If you have any questions, please contact Chris Ryan, Chief of the Division of Operations, at (916) 210-7008.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Venus D. Johnson", with a stylized flourish at the end.

Venus D. Johnson  
Chief Deputy Attorney General