Exhibit A

BPM MISSION

The mission of the Board of Podiatric Medicine is to ensure protection of consumers under the laws of California through the setting and enforcement of contemporary standards and the provision of accurate and timely information that promotes sound consumer decision-making.

Approved March 3, 2006

Exhibit B

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR
Medical Board of California
BOARD OF PODIATRIC MEDICINE
2005 Evergreen Street, Suite 1300, Sacramento, CA 95815
PHONE: 916.263.2647 FAX: 916.263.2651 WWW.BPM.CA.GOV

KAREN L. WRUBEL, D.P.M., *President* RAYMOND K. CHENG, A.I.A. KRISTINA M. DIXON, M.B.A. JAMES R. LA ROSE, D.P.M., *Vice President*
ALEIDA GERENA-RIOS, M.B.A. JAMES J. LONGOBARDI, D.P.M. NEIL B. MANSDORF, D. P .M.

ENFORCEMENT COMMITTEE

- The Overview of the BPM Enforcement Process is shown in Exhibit C.
- The BPM Monthly Enforcement Report to DCA is shown in Exhibit D.
- The Executive Officer's plan is shown in Exhibit E.
- BPM's standard statistics are shown in Exhibit F.
- Enforcement Training

  Staff, in consultation with the Attorney General's office, is revising the Expert Reviewer Trainning Manual and will be holding a three hour training session which will take place on Tuesday, June 22, 2010, in conjunction with CPMA's Western Podiatric Medical Congress (WPMC) in Anaheim. Guest speakers include representatives from the Office of Administraitve Hearings, the Attorney General's office, and the Medical Board of California. In addition, several board consultants will assist with a case review session. That same week an enforcement meeting will be held for consultants, probation monitors, and enforcement staff. If any board members are interested in attending either of the training sessions, please contact Michelle Mason, Enforcement Coordinator Michelle_Mason@dca.ca.gov or (916) 263-4324.

Submitted by:

Michelle Mason
Enforcement Coordinator
February 3, 2010

Exhibit C

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR

Medical Board of California
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ENFORCEMENT COMMITTEE

Overview of the Enforcement Process:

Licensing and enforcement of the Medical Practice Act are the two major responsibilities the Legislature has assigned to the Medical Board of California (MBC) and the State Board of Podiatric Medicine (BPM). BPM contracts with the larger MBC for services, including those from Central Complaints and regional offices of investigators. MBC and BPM contract with the Attorney General's office for prosecution, use independent Administrative Law Judges (ALJs), and follow the State Administrative Procedure Act (APA) like all other state licensing boards to ensure due process.

Complaints are initially assigned to a consumer services analyst for review. The most common type of complaint received involves quality of care. When a complaint involving medical care and treatment is filed and a release is signed, the MBC will obtain copies of all medical records, as well as a written summary of care from each of the treating medical providers. Once all records and summaries are received, the entire file will be forwarded to one of the BPM consultants for a thorough review.

The podiatric medical consultant's evaluation will determine whether the complaint requires further review by one of the MBC's investigative offices or whether the Central Complaint Unit will close the complaint. If the review determines that the actions of the doctor were not below the acceptable standard of medical care, the Board has no authority to proceed, and the complaint will be closed. If the Board finds that the treatment fell below the standard of care but does not represent gross negligence, the complaint will be closed but will be maintained on file for the Board's future reference.

If a complaint is referred to an investigative office, the investigator will review and gather all factual evidence, send the case to an expert reviewer and conduct interviews. During the interview process, the consultant and the Deputy Attorney General assigned to the case will participate. If the investigator, after these reviews, recommends a case be referred to the Attorney General, the board's enforcement coordinator authorizes the transmittal. A Deputy Attorney General then reviews the case and, if appropriate, prepares an Accusation. Once signed by the board's Executive Officer, the Accusation becomes a public document, and a hearing is then scheduled before an Administrative Law Judge (ALJ). Frequently, the Board and the doctor settle out of court by entering into a Stipulated Agreement.

If the case goes to hearing, the ALJ takes the testimony and prepares a proposed decision based on the official record of evidence. Both stipulated agreements and proposed decisions go to the board (the seven board members appointed by the Governor and Legislature) for decision.

In summary, "Administrative Discipline" results from the Board's review of complaints submitted by patients, providers, facilities, insurers, and other law enforcement agencies. Last fiscal year (July 1, 2008 through June 30, 2009) 108 complaints were received by the MBC's Central Complaint Unit. Of those complaints, 62 involved quality-of-care and were reviewed by podiatric medical consultants. 19 cases, originating in or before fiscal year 08/09 were sent to investigation, and 9 of those were reviewed by an expert reviewer. Of the 10 Board Decision and Orders that became effective last fiscal year, 8 cases settled and 2 went through the administrative hearing process

Submitted by:

Michelle Mason
Enforcement Coordinator
February 3, 2010

Exhibit D

STATE OF CALIFORNIA

DEPARTMENT OF CONSUMER AFFAIRS

MEMORANDUM

DATE: December 16, 2009

TO: EXECUTIVE OFFICERS AND BUREAU CHIEFS

FROM: Paul Riches, Deputy Director for Enforcement and Compliance

RE: Enforcement Program Reports to DCA

As part of the Department's ongoing efforts to improve the performance in enforcement, I am requesting monthly reports from each Executive Officer and Bureau Chief regarding their enforcement program. These monthly reports will have two principal components:

1. Reporting of current enforcement statistics per the attachment provided to this memorandum. Enforcement statistics can be provided to me in an MS Excel file by the close of business on the fifth business day of each month beginning January 2010 data reported by February 8, 2010.
2. Each Executive Officer/Bureau Chief is expected to develop a written plan to improve performance in their enforcement program in the next twelve months with existing resources. Please submit that plan in conjunction with the first report of enforcement statistics in February 2010. The plan should include specific program improvements and planned dates of completion for each improvement. A status update for this plan should be submitted monthly along with the enforcement program statistics. Please supply the report and the subsequent monthly updates in a MS Word file.

I strongly suggest reading and taking guidance from a number of key documents including:

- Bureau of State Audits 2008 report on the Board of Chiropractic Examiners
- Reports of the Medical Board Enforcement Monitor
- Reports of the Dental Board Enforcement Monitor

There are many other possible resources available to inform your plans and I urge you to identify these and share them with your colleagues as you find them. The Executive Office will be working to coordinate our regular reporting requirements going forward in an effort to avoid duplicative report requirements.

If you have questions or comments, please feel free to contact me. I will be sending this memorandum and the attached spreadsheet to each of you by email subsequent to today's Executive Leadership Forum.

Monthly Enforcement Report to DCA

(rev 1/7/2010)

Program Name: _____

Complaint Intake

Complaints Received by the Program.
Measured from date received to assignment for investigation or closure without action.

Complaints	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	YTD
Received													
Closed without Assignment for Investigation													
Assigned for Investigation													
Average Days to Close or Assigned for Investigation													
Pending													

Convictions/Arrest Reports	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	YTD
Received													
Closed													
Average Days to Close													
Pending													

Investigation

Complaints investigated by the program whether by desk investigation or by field investigation.
Measured by date the complaint is received to the date the complaint is closed or referred for enforcement action.
If a complaint is never referred for Field Investigation, it will be counted as 'Closed' under Desk Investigation.
If a complaint is referred for Field Investigation, it will be counted as 'Closed' under Non-Sworn or Sworn.

Desk Investigation	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	YTD
Initial Assignment for Desk Investigation													
Closed													
Average Days to Close													
Pending													

Field Investigation (Non-Sworn)	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	YTD
Assignment for Non-Sworn Field Investigation													
Closed													
Average Days to Close													
Pending													

Field Investigation (Sworn)	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	YTD
Assignment for Sworn Field Investigation													
Closed													
Average Days to Close													
Pending													

All Investigations	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	YTD
Closed													
Average Days to Close													
Pending													

Enforcement Actions

This section DOES NOT include subsequent discipline on a license. Data from complaint records combined/consolidated into a single case will not appear in this section.

	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	YTD
AG Cases Initiated													
AG Cases Pending													
SOIs Filed													
Accusations Filed													
Proposed/Default Decisions Adopted													
Stipulations Adopted													
Disciplinary Orders	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	YTD
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)													
Average Days to Complete*													

Citations	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	YTD
Final Citations													
Average Days to Complete*													

* - The number of days from receipt of complaint to the effective date of the citation or the effective date of the disciplinary order.

STATE OF CALIFORNIA

dca

DEPARTMENT OF CONSUMER AFFAIRS

Department of Consumer Affairs
Proposed Performance Measurement System -- Enforcement
November 2009

Background

DCA is revamping its enforcement business function to better serve California's consumers and licensees. The new enforcement model calls for performance accountability and streamlining or modifying existing business processes. The current timeframe for the disciplinary process against a health care professional's license is, in some instances, as long as 36 months. DCA Director Brian Stiger has set a target cycle time for DCA of 12 -18 months for the completion of investigation and prosecution.

In October 2009, Director Stiger instructed the Process Improvement Team (PIT) to join with the Performance Measurement Committee (formed earlier this year and led by former Acting Chief Deputy Director Patricia Harris), to develop a set of performance measures for the enforcement process. Deputy Director Bev Augustine and Acting Deputy Director Sonja Merold are the Executive Sponsors of the team, along with Pam Wortman, who, with Sonja Merold, leads the PIT. This proposal is the result of the team's work. The team member roster is shown in Appendix A. Membership is composed of a broad cross-section of board, bureau, and division staff at many levels.

Why Performance Measurement is Essential

DCA is requesting significant staffing increases and special fund augmentations in fiscal years 2010/11, 2011/12, and 2012/13. DCA believes that these resources are required to make the broad, extensive changes necessary to protect consumers from incompetent, negligent, or impaired licensees. To ensure that DCA and its stakeholders can review DCA's progress in meeting its enforcement goals and targets, DCA must develop and promote an easy- to-understand, transparent system of accountability -- performance measures. The performance measures are critical, particularly during the current climate of budget constraint and economic downturn, for demonstrating that DCA has made effective use of additional resources.

National Performance Review Benchmarking Study Report: Best Practices in Performance Measurement

As documented in its June 1997 report, the National Performance Review (NPR) Performance Measurement Study Team found that the best performance measurement and management systems and practices work within a context of strategic planning that takes its cue from customer needs and customer service. They also found that:

• Leadership is critical in designing and deploying effective performance measurement and management systems.

• A conceptual framework is needed for the performance measurement and management system.
• Effective internal and external communications are the keys to successful performance measurement.
• Accountability for results must be clearly assigned and well-understood.
• Performance measurement systems must provide intelligent information for decision makers, not just compile data.
• Compensation, rewards, and recognition should be linked to performance measurements.
• Performance measurement systems should be positive, not punitive.
• Results and progress toward program commitments should be openly shared with employees.[1]

Balanced Scorecard Method

Director Brian Stiger has proposed that the department use the balanced scorecard method as its performance measure framework. The balanced scorecard is a strategic planning and management system that is used extensively in business and industry, government, and nonprofit organizations worldwide to align business activities to the vision and strategy of the organization, improve internal and external communications, and monitor organization performance against strategic goals. It was originated by Drs. Robert Kaplan (Harvard Business School) and David Norton. The balanced scorecard is based on the following four perspectives:

- **Learning and Growth Perspective.** This perspective includes employee training and corporate cultural attitudes related to learning. Kaplan and Norton emphasize that 'learning' is more than 'training'; it also includes things like mentors and tutors within the organization, as well as ease of communication among workers.
- **Customer Perspective.** Customers should be analyzed in terms of kinds of customers and the kinds of processes for which the organization is providing a product or service.
- **Internal Process Perspective**. This perspective refers to internal business processes. Metrics based on this perspective allow the managers to know how well their business is running, and whether its products and services conform to customer requirements (the mission).[2]
- **Financial Perspective.** This perspective refers to traditional financial measures. For DCA, this would include measuring the cost of its business functions (for example, average cost of conducting an investigation).

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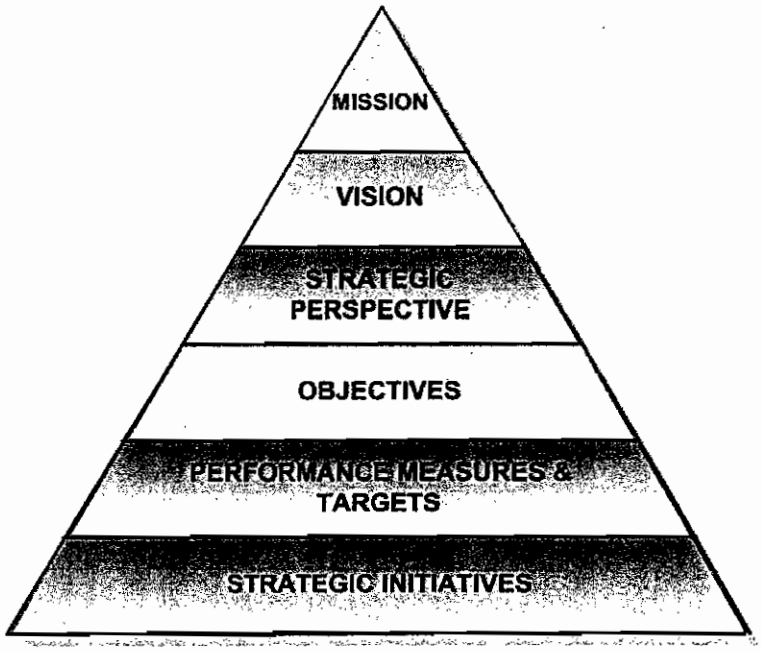
[1] The Performance-Based Management Handbook A Six-Volume Compilation of Techniques and Tools for Implementing the Government Performance and Results Act of 1993 (GPRA). Volume 2: Establishing an Integrated Performance Measurement System. Performance-Based Management Special Interest Group, U.S. Department of Energy, September 2001, www.orau.gov

[2] What is the Balanced Scorecard, 1998-2009, Balanced Scorecard Institute, a Strategy Management Group company, www.balancedscorecard.com

Within these perspectives, performance measures are developed and linked directly to an agency's mission and vision; strategic objectives; and strategic initiatives. DCA currently has these components in place. In addition, its current strategic plan is based on the four perspectives discussed above. Figure 1 displays those components of a balanced scorecard system that can be used as DCA's performance measure framework. Appendix B contains the text of these components (i.e. our mission and vision statements, objectives, and strategic initiatives.)

Figure 1. Components of a Balanced Scorecard System



Uniformity in Terminology, and What is Measured, is Key

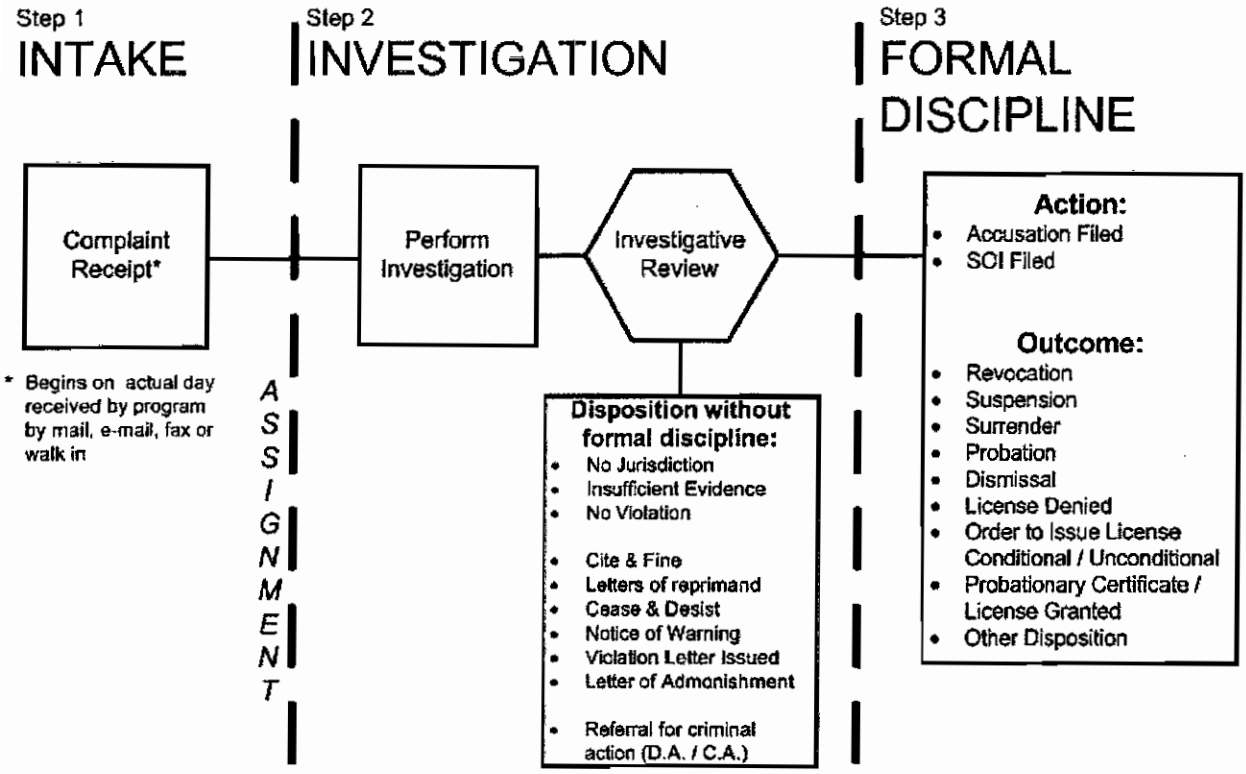
The balanced scorecard system will provide DCA with a uniform, easy-to-understand method for reporting DCA's progress to the public, the legislature, consumers, licensees, and all other stakeholders. To report a government agency's performance, uniform terminology that is understood by all employees internally, and easy to understand by all external stakeholders, is essential. Otherwise, the department's message – that it is improving performance, holding itself accountable, and reaching the targets it has set – becomes lost in bureaucratese, jargon, and footnotes explaining special circumstances or exceptions.

Likewise, before it can develop a performance measurement system, the department must come to an agreement on the exact definitions of the business processes that constitute the enforcement process DCA board and bureau enforcement processes contain some variation. Some of this arises from differences in laws and regulations that govern the professions, whether sworn or non-sworn investigators are used, etc. Nevertheless, the enforcement process contains three major steps or milestones that occur regardless of the board or bureau conducting the enforcement. These "macro" steps are the large, global steps in the process. DCA executives and staff must define,

learn, and use the same terminology in talking about those steps and in holding itself accountable to its stakeholders.

External Measures Will Assess DCA's Enforcement "Macro" Process
DCA's proposed external measures for enforcement will be based on the macro enforcement process. This will allow DCA to report on its progress on a department-wide basis, rather than program by program. Figure 2 below displays the Proposed Macro Process for DCA Enforcement.

Figure 2. Proposed Macro Process for DCA Enforcement



Proposed definitions of the above steps are:

Intake: This step begins on the actual day the complaint is received by the program, as opposed to when the complaint is date-stamped. Intake also includes acknowledgement of a complaint. It does NOT include jurisdictional review.

Assignment: The point at which the investigation process begins. This includes assignment to any individual, regardless of job classification.

Investigation: After assignment, collection and verification of facts to determine jurisdiction and potential violations of law, regardless of who performs it.

Formal Discipline: Any administrative action that could affect the issuance or status of the professional's license.

The proposed description of the macro process is recommended for the following reasons. First, Director Stiger has provided DCA with definitions for the beginning and the end of the enforcement process. The process begins on the day the program receives a complaint either by mail, e-mail, fax, or "walk in" (a consumer files the complaint in person with a program office). The process ends on the day it is closed or when a decision is rendered. ***It is important to note that these definitions are customer-centric, and thus in keeping with DCA's strategic value of customer service.*** Other external stakeholders, such as the media and the Legislature, also view the enforcement process in this manner. Therefore, DCA must consider their viewpoint when determining how to improve, measure, and communicate about its enforcement process.

Second, the three steps shown in Figure 2 are the significant milestones in the enforcement process on which external performance measures should be based. Undoubtedly, there are many micro steps within the macro steps shown above. For example, many programs view the investigation as beginning after non-investigative staff members have conducted a preliminary, "non-technical" review of the complaint and the complaint has been assigned to an investigator. While it may be important for individual programs to measure the cycle time and other aspects of this "non-technical" review, external stakeholders neither know nor care about this step. Further, sometimes the work performed in this step of the process becomes part of the formal investigation, as when non-investigative staff members are asked to testify in administrative or court proceedings against a licensee or when their documentation becomes part of the formal disciplinary documentation. Hence, the distinction between this step and "formal" investigation is sometimes naturally blurred.

Third, a performance measurement system must not contain an inordinate amount of measures. Simplicity in both terminology and the amount of measures is key to DCA's success with communicating the progress it is making in improving enforcement. Therefore, the macro, or "high" points or milestones in a business process are what DCA must be concerned with reporting externally. In addition, staff and leadership must not be burdened with collecting data for, analyzing, and reporting on numerous measures.

Fourth, the macro process will standardize the existing CAS coding system. Over the last 25 years, DCA boards, bureaus, and programs have developed an elaborate system of coding the various steps of its business processes within CAS. Some of this coding has arisen in response to data requirements for the DCA Annual Report, legislative and media inquiries, and other special reports. At this point, the coding itself is at times driving the meaning and employees' understanding of business processes, rather than vice-versa. Many of the boards and bureaus use different codes to report on the same processes. To further complicate the reporting, the existing CAS system is antiquated and unreliable. The proposed performance measurement system will use

approximately a dozen existing CAS codes to report progress on external performance measures. By standardizing the existing coding system, DCA will be better able to understand and communicate improvements to its enforcement system.

Internal, Program-Specific Measures Can Also Be Implemented
The adoption of a set of external performance measures does not preclude boards, bureaus, and programs from adopting their own internal measures. In fact, this is recommended for areas such as the elapsed time for assigning cases to investigative staff after the intake process, the cycle time for completing investigative reports, etc. Such internal measures will be helpful in supporting the measures that assess the macro processes. However, DCA will not report publicly on these measures.

Proposed Performance Measures
Figure 3 displays the proposed set of external performance measures for enforcement. Please note that measures for probation monitoring are currently under development. Appendix C contains a glossary of strategic planning, performance measurement, and process improvement terminology.

Implementation Plan
Figure 4 displays a timeline and steps for implementing the proposed external enforcement performance measures. **DCA will begin collecting data on the new external enforcement measures in July 2010, with the exception of the proposed cost measure.** The Performance Measurement Group will continue to work with the Deputy Director, Enforcement and Compliance, other executive leadership, the Office of Information Services, and the CAS Enforcement Users Group to develop and refine definitions and reporting standards for the measures, and train staff responsible for coding.

Figure 4. Implementation Plan

Task	Completion Dates
Roll out external performance measures to DCA leadership	November - December 2009
Receive input on/discuss measures at Executive Leadership Forum	December 16, 2009
Finalize measures and distribute to all employees	January 2010
Communicate reporting definitions to OIS and CAS user group	January 2010
OIS and CAS User Group develop new reporting standards, utilizing existing codes but modifying criteria	February 2010
OIS makes necessary modifications to CAS	March -April 2010
CAS User Group tests modifications	April -May 2010

OIS puts modifications into production	May - June 2010
SOLID works with CAS user group to develop and roll out training on performance measures for program staff	April - June 2010
Implementation of standardized codes begins	July 1, 2010
First quarter performance measure reports issued in October 2010	October 2010

Appendix A
Performance Measurement Group Members

- Alex Glaros, Associate Programmer Analyst, Office of Information Services
- Alicia St. Louis, Consumer Services Representative, Consumer and Community Empowerment Division
- Bev Augustine, Deputy Director, Strategic Organization, Leadership, and Individual Development
- Carolyn Ballou, Information Officer II, Consumer and Community Empowerment Division
- Cathleen Sahlman, Chief Auditor, Internal Audit Office
- Connie Kono, Senior Information Systems Analyst Supervisor/CAS System Manager, Office of Information Services
- Connie Trujillo, Acting Chief, Bureau of Investigative Services
- Daryl Walker, Acting Chief, Division of Investigative Services
- Evin VanOutryve, Associate Governmental Program Analyst, Strategic Organization, Leadership, and Individual Development
- Kathy Klumpe, Associate Governmental Program Analyst, Respiratory Care Board
- Kim Kirchmeyer, Deputy Director, Board/Bureau Relations
- Kim Madsen, Acting Executive Officer, Board of Behavioral Sciences
- Lynne Stiles, Associate Information Systems Analyst & Co-Chair, Enforcement Users Group, Board of Behavioral Sciences
- Mary Ann Aguayo, Executive Officer, Landscape Architects Technical Committee
- Nancy Smith, Staff Information Systems Analyst & Co-Chair, Enforcement Users Group, Medical Board of California
- Pam Wortman, Acting Chief, Office of Administrative Services
- Paul Riches, Deputy Director, Enforcement and Compliance
- Patti Bowers, Executive Officer, Accountancy Board
- Pierre Lessard, Program Representative I, Bureau of Automotive Repair
- Sarah Wilson, Administrative Assistant II, Strategic Organization, Leadership, and Individual Development
- Sean O'Connor, Associate Government Program Analyst, Board of Behavioral Sciences
- Sonja Merold, Acting Deputy Director, Consumer and Community Empowerment Division & Chief, Office of Professional Examination Services
- Teresa Moraga, Associate Governmental Program Analyst, Office of Professional Examination Resources
- Teresa Schaeffer, Associate Governmental Program Analyst, Medical Board of California

Appendix B
DCA-Specific Components of the Balanced Scorecard System

Mission: To serve the interests of California consumers by ensuring a standard of professionalism in key industries and promoting informed consumer protection.

Vision: As a government agency dedicated to serving the interests of California consumers, the Department of Consumer Affairs (DCA) values:

Values:

- Accountability -- We are accountable to the people of California and each other as stakeholders. We operate transparently and encourage public participation in our decision-making whenever possible.
- Efficiency -- We diligently identify the best ways to deliver high-quality services with the most efficient use of our resources.
- Effectiveness -- We make informed decisions that make a difference and have
- a positive, measurable impact.
- Integrity -- We are honest, fair, and respectful in our treatment of everyone.
- Customer Service -- We acknowledge all stakeholders as our customers, listen to them, and take their needs into account.
- Employees -- We are an employer of choice and strategically recruit, train, and retain employees. We value and recognize employee contributions and talent.
- Unity -- We draw strength from our organizational diversity as well as California's cultural and economic diversity.

Strategic Perspective: As evidenced by the above mission, vision, and value statements, as well as most of DCA's strategic goals and objectives, the four perspectives of the balanced scorecard system -- Customer, Financial, Learning and Growth, and Internal Processes -- are present in DCA strategy.

Objectives:

- Objective 2.1: Set and maintain model professional standards in licensing, regulation, and enforcement.
- Objective 5.1: Provide excellent customer service to internal and external stakeholders.
- Objective 5.2: Ensure that internal work processes are well designed, appropriate, efficient, and sustainable.

Performance Measures and Targets: See Figure 3.

Strategic Initiatives: These are noted in DCA's Strategic Plan as Major Activities under each goal and objective. Those pertaining to enforcement are shown below. Additional strategic initiatives have been initiated since the development of the strategic plan.

- Continuously improve current enforcement processes for effectiveness and appropriate consumer action.
- Complaints -- Establish performance measure from receipt of complaint to resolution. Evaluate process to identify improvements, measure outcomes, and manage performance.
- Investigations -- Establish performance measure from receipt of complaint to resolution. Evaluate process to identify improvement, measure outcomes, and manage performance.
- Develop and implement methods to continuously measure satisfaction of DCA's internal and external customers (e.g., customer service surveys).
- Work with customers and employees to identify process improvement opportunities.
- Conduct environmental scanning to identify best and next practices in other public and private agencies that could be adapted and used by DCA.
- Assess possible work improvements, identify performance measures, prioritize improvements, and implement them.
- Gather performance data and evaluate the benefits of the improved work processes; adjust work process improvements to improve effectiveness.

Initiatives begun after adoption of the strategic plan:

- Develop and implement the new enforcement model
- Submit a BCP for additional resources
- Submit legislation to change processes that are based in law
- Develop and implement the Enforcement Academy

Appendix C

Glossary of Terminology Used in Strategic Planning, Performance Measurement, and Process Improvement*

Accountability
The obligation a person, group, or organization assumes for the execution of assigned authority and/or the fulfillment of delegated responsibility. This obligation includes: answering—providing an explanation or justification—for the execution of that authority and/or fulfillment of that responsibility; reporting on the results of that execution and/or fulfillment; and assuming liability for those results.

Activity
Actions taken by a program or an organization to achieve its objectives.

Assessment
An all-inclusive term used to denote the act of determining, through a review of objective evidence and witnessing the performance of activities, whether items, processes, or services meet specified requirements. Assessments are conducted through implementation of activities such as audits, performance evaluations, management system reviews, peer reviews, or surveillances, which are planned and documented by trained and qualified personnel.

Baseline
The initial level of performance at which an organization, process, or function is operating, upon which future performance will be measured.

Benchmarking
1. To measure an organization's products or services against the best existing products or services of the same type. The benchmark defines the 100 percent mark on the measurement scale.
2. The process of comparing and measuring an organization's own performance on a particular process against the performance of organizations judged to be the best of a comparable industry.

Bottom Up
Starting with input from the people who actually do the work and consolidating that input through successively higher levels of management.

Continuous Improvement
1. The betterment of a process based on constant measurement and analysis of results produced by the process, and use of that analysis to modify the process.
2. Where performance gains achieved are maintained and early identification of deteriorating environmental, safety, and health conditions is accomplished.

Cycle Time
The amount of time (e.g., hours, days, or months) required to complete a business process.

Efficiency
Cost per unit of output. **See input and output.**

Efficiency Measure
An assessment of the cost to produce and deliver a product or service.

Goal
1. The result that a program or organization aims to accomplish. See **Outcome.**
2. A statement of attainment/achievement, which is proposed to be accomplished or attained with an implication of sustained effort and energy.

Input
Resources consumed in delivering a service or good.

Measurement
The quantitative parameter used to ascertain the degree of performance.

Metric
A standard or unit of measure.

Objective
A statement of the desired result to be achieved within a specified amount of time.

Outcome
The expected, desired, or actual result to which outputs of activities of an agency have an intended effect.

Outcome Measure
An assessment of the results of a program activity or effort compared to its intended purpose.

Output
A product or service produced by a program or process and delivered to customers (whether internal or external).

Output Measure
The tabulation, calculation, or recording of activity or effort expressed in a quantitative or qualitative manner.

Performance-Based Management
A systematic approach to performance improvement through an ongoing process of establishing strategic performance objectives; measuring performance; collecting, analyzing, reviewing, and reporting performance data; and using that data to drive performance improvement.

Performance Expectation
The desired condition or target level of performance for each measure.

Performance Measure
A quantitative or qualitative characterization of performance.

Performance Measurement
The process of measuring the performance of an organization, a program, a function, or a process.

Performance Objective
A statement of desired outcome(s) for an organization or activity. See **Target**.

Process
An ongoing, recurring, and systematic series of actions or operations whereby an input is transformed into a desired product (or output).

Process Improvement
A set of management techniques for controlling and improving the effectiveness and efficiency of a process. In order to be measured, monitored, and analyzed, the process must be repeated frequently, perhaps weekly or monthly at a minimum. It must also have measurable inputs and outputs, and the process must be controllable.

Program Evaluation
An assessment, through objective measurement and systematic analysis, of the manner and extent to which programs achieve intended objectives.

Quality
A degree to which a product or service meets customer requirements and expectations.
The radical redesign of current business processes with the intent of reducing cost and cycle time resulting in increased customer satisfaction.

Situation Analysis (SWOT)
The assessment of trends, strengths, weaknesses, opportunities, and threats, giving a picture of the organization's internal and external environment to determine the opportunities or obstacles to achieving organizational goals. Performed in preparation for strategic planning efforts.

Stakeholder
Any group or individual who is affected by or who can affect the future of an organization, e.g., customers, employees, suppliers, owners, other agencies, Congress, and critics.

Strategic Planning
A process for helping an organization envision what it hopes to accomplish in the future; identify and understand obstacles and opportunities that affect the organization's ability to achieve that vision; and set forth the plan of activities and resource use that will best enable the achievement of the goals and objectives.

Target
A level of performance expressed as a tangible, measurable objective, against which actual achievement is compared, including a goal expressed as a quantitative standard, value, or rate.

Task
A well-defined unit of work having an identifiable beginning and end that is a measurable component of the duties and responsibilities of a specific job.

Total Quality Management
1. A management philosophy that involves everyone in an organization in controlling and continuously improving how work is done in order to meet customer expectations of quality.
2. The management practice of continuous improvement in quality that relies on active participation of both management and employees using analytical tools and teamwork.

Volume Measure
A simple tally of units of work (e.g., number of phone calls received; number of complaints received; number of letters written, etc.).

*This list is not all-inclusive. It contains terminology used by, and/or applicable to, DCA.

The source for the majority of terms in this glossary is: The Performance-Based Management Handbook, Volume 2: Establishing an Integrated Performance Measurement System. Performance-Based Management Special Interest Group, U.S. Department of Energy.

Figure 3. Proposed External Performance Measures

Measure Type & Name	Balanced Scorecard Perspective	Relation to DCA Strategic Plan	Target	Baseline
PM1: Volume Number of complaints received	Internal Process	**Values:** Efficiency, Accountability **Goal 2, Objective 2.1***	N/A	Will vary by program.
Definitions	**Data Source**	**Purpose of Measure**	**How Computed**	**Expected Short- and/or Long-Term Outcomes**
Number of complaints received within a specified time period (e.g., one quarter).	CAS	To establish and communicate the volume of complaint workload. To support the evaluation of the efficiency of enforcement services.	Tally the total number of complaints received during a specified time period (e.g, one quarter)	**Short Term:** Improved understanding of the efficiency of enforcement services.

* **Goal 2:** California is the recognized national leader in professional licensing, regulation, and enforcement.
Objective 2.1: Set and maintain model standards in licensing, regulation, and enforcement.

Figure 3. Proposed External Performance Measures (cont.)

Measure Type & Name	Balanced Scorecard Perspective	Relation to DCA Strategic Plan	Target	Baseline
PM2: Intake Cycle Time Average number of days to complete complaint intake	Internal Process; Customer	**Value:** Efficiency, Accountability, Effectiveness **Goal 2, Objective 2.1**** **Goal 5, Objectives 5.1 & 5.2****	TBD	Will vary by program
Definitions	**Data Source**	**Purpose of Measure**	**How Computed**	**Expected Short- and/or Long-Term Outcomes**
Number of days to complete the intake portion of the enforcement process, expressed as an average. See narrative for definitions of intake.	CAS	To establish and communicate the length of time to conduct intake on a complaint. To evaluate the efficiency of enforcement services.	Average of the total number of days spent to conduct intake on a complaint during a specified time period (e.g, one quarter)	**Short Term:** Consumer and licensee satisfaction **Long-Term**: Increased consumer safety

* **Goal 2:** California is the recognized national leader in professional licensing, regulation, and enforcement.
Objective 2.1: Set and maintain model standards in licensing, regulation, and enforcement.
Goal 5: DCA is regarded as an effective and innovative model of State government.
Objective 5.1: Provide excellent customer service to internal and external stakeholders.
Objective 5.2: Ensure that internal work processes are well designed, appropriate, efficient, and sustainable.

Figure 3. Proposed External Performance Measures (cont.)

Measure Type & Name	Balanced Scorecard Perspective	Relation to DCA Strategic Plan	Target	Baseline
PM3: Cycle Time of Closed Cases Not Resulting in Formal Discipline Average number of days to complete the intake and investigation steps of the enforcement process, for closed cases not resulting in formal discipline	Customer; Internal Process	**Values:** Customer Service, Accountability, Efficiency **Goal 2, Objective 2.1*** **Goal 5, Objectives 5.1 and 5.2***	TBD	Will vary by program.
Definitions	**Data Source**	**Purpose of Measure**	**How Computed**	**Expected Short- and Long-Term Outcomes**
Number of days to complete intake and investigation steps for closed cases not resulting in formal discipline, expressed as an average. Enforcement process begins on the day the complaint is received by the program, and ends with disposition without formal discipline. See narrative for definitions of intake and investigation. Average cycle time will be reported and distribution of cases will be displayed in a bar graph.	CAS	To establish and communicate average time frames for completing the enforcement process. To evaluate the efficiency of enforcement services.	Average of the total number days it takes to complete the intake and investigation steps of the enforcement process during a specified time period (e.g, one quarter).	**Short Term:** Consumer and licensee satisfaction **Long-Term:** Increased consumer safety

* **Goal 2:** California is the recognized national leader in professional licensing, regulation, and enforcement.
Objective 2.1: Set and maintain model standards in licensing, regulation, and enforcement.
Goal 5: DCA is regarded as an effective and innovative model of State government.
Objective 5.1: Provide excellent customer service to internal and external stakeholders.
Objective 5.2: Ensure that internal work processes are well designed, appropriate, efficient, and sustainable.

Figure 3. Proposed External Performance Measures (cont.)

Measure Type & Name	Balanced Scorecard Perspective	Relation to DCA Strategic Plan	Target	Baseline
PM4: Cycle Time of Closed Cases Resulting in Formal Discipline Average number of days to complete the enforcement process (intake, investigation, and formal discipline steps) for those cases closed at the discipline stage	Customer; Internal Process	**Values:** Customer Service, Accountability, Efficiency **Goal 2, Objective 2.1*** **Goal 5, Objectives 5.1 and 5.2***	12-18 months	Will vary by program.
Definitions	**Data Source**	**Purpose of Measure**	**How Computed**	**Expected Short- and Long-Term Outcomes**
Number of days to complete intake, investigation, and formal discipline, expressed as an average. Enforcement process begins on the day the complaint is received by the program, and ends on day formal discipline is completed. See narrative for definitions of intake, assignment, investigation, and formal discipline. Average cycle time will be reported and the distribution of cases will be displayed in a bar graph.	CAS	To establish and communicate average time frames for completing the enforcement process. To evaluate the efficiency of enforcement services.	Average of the total number days it takes to complete the entire three-step enforcement process, during a specified time period (e.g, one quarter).	**Short Term:** Consumer and licensee satisfaction **Long-Term**: Increased consumer safety

* **Goal 2:** California is the recognized national leader in professional licensing, regulation, and enforcement.
Objective 2.1: Set and maintain model standards in licensing, regulation, and enforcement.
Goal 5: DCA is regarded as an effective and innovative model of State government.
Objective 5.1: Provide excellent customer service to internal and external stakeholders.
Objective 5.2: Ensure that internal work processes are well designed, appropriate, efficient, and sustainable.

Figure 3. Proposed External Performance Measures (cont.)

Measure Type & Name	Balanced Scorecard Perspective	Relation to DCA Strategic Plan	Target	Baseline
PM5: Efficiency (Cost*) Average cost of Intake and Investigation per complaint, by type	Financial	**Value:** Efficiency, Accountability, Effectiveness **Goal 2, Objective 2.1**** **Goal 5, Objective 5.2****	TBD	Will vary by program.
Definitions	**Data Source**	**Purpose of Measure**	**How Computed**	**Expected Short- and/or Long-Term Outcomes**
Average cost of the Intake and Investigation steps in the enforcement process (for those complaints that close without formal discipline) by complaint type.***	TBD	To identify the average unit cost of complaint intake and investigation. To evaluate the efficiency of the enforcement process.	TBD	TBD

* This performance measure will be implemented when a cost accounting system is established.

** **Goal 2:** California is the recognized national leader in professional licensing, regulation, and enforcement.
Objective 2.1: Set and maintain model standards in licensing, regulation, and enforcement.
Goal 5: DCA is regarded as an effective and innovative model of State government.
Objective 5.2: Ensure that internal work processes are well designed, appropriate, efficient, and sustainable.

*** The types are: contractual, criminal charges/conviction of crime, fraud, personal conduct/substance abuse/mental or physical impairment, negligence/competence, product quality/service, sexual misconduct, unprofessional conduct, discipline by another state or agency, unlicensed/unregistered activity, unsafe/unsanitary conditions, non-jurisdictional.

Figure 3. Proposed External Performance Measures (cont.)

Measure Type & Name	Balanced Scorecard Perspective	Relation to DCA Strategic Plan	Target	Baseline
PM6: Efficiency (Cost*) Average cost of the entire enforcement process (Intake, Investigation, and Formal Discipline) per complaint, by type	Financial	**Value:** Efficiency, Accountability, Effectiveness **Goal 2, Objective 2.1**** **Goal 5, Objective 5.2****	TBD	Will vary by program.
Definitions	**Data Source**	**Purpose of Measure**	**How Computed**	**Expected Short- and/or Long-Term Outcomes**
Average cost of the Intake Investigation, and Formal Discipline steps in the enforcement process, by complaint type.***	TBD	To identify the average unit cost of complaint intake, investigation, and formal discipline. To evaluate the efficiency of the enforcement process.	TBD	TBD

* This performance measure will be implemented when a cost accounting system is established.

** **Goal 2:** California is the recognized national leader in professional licensing, regulation, and enforcement.
Objective 2.1: Set and maintain model standards in licensing, regulation, and enforcement.
Goal 5: DCA is regarded as an effective and innovative model of State government.
Objective 5.2: Ensure that internal work processes are well designed, appropriate, efficient, and sustainable.

*** The types are: contractual, criminal charges/conviction of crime, fraud, personal conduct/substance abuse/mental or physical impairment, negligence/competence, product quality/service, sexual misconduct, unprofessional conduct, discipline by another state or agency, unlicensed/unregistered activity, unsafe/unsanitary conditions, non-jurisdictional.

Figure 3. Proposed External Performance Measures (cont.)

Measure Type & Name	Balanced Scorecard Perspective	Relation to DCA Strategic Plan	Target	Baseline
PM7: Customer Satisfaction Consumer satisfaction with the service received during the enforcement process	Customer	**Value:** Customer Service, Accountability, Integrity **Goal 5, Objective 5.1***	TBD	Will vary by program.
Definitions	**Data Source**	**Purpose of Measure**	**How Computed**	**Expected Short- and/or Long-Term Outcomes**
Consumer satisfaction with the service received during the enforcement process. This measure will assess the level of satisfaction with the service provided by DCA during enforcement. Areas to be surveyed may include communication, timeliness, courteousness of staff, etc. The level of satisfaction with the ultimate outcome of the case will not be measured. Outcomes are typically beyond DCA's control.	Consumer surveys, either posted on board/bureau websites or mailed to consumers.	To establish and communicate the level of customer satisfaction with the enforcement process. Results will be used to modify and improve enforcement micro processes.	TBD. For example, consumers may be asked to express satisfaction through the use of a Lichert Scale (e.g., On a scale of 1 -5, 1 being the lowest, 5 being the highest, how satisfied were you with the timeliness of the investigation process? The courteousness of staff, etc.)	**Short Term:** Consumer and licensee satisfaction **Long-Term**: Improved micro processes

Goal 5: DCA is regarded as an effective and innovative model of State government.
Objective 5.1: Provide excellent customer service to internal and external stakeholders.

CBA
CALIFORNIA BOARD OF ACCOUNTANCY

Mock 2010/2011 Enforcement Report

California Board of Accountancy

www.dca.ca.gov/cba

The California Board of Accountancy (Board) licenses and regulates nearly 81,000 licensees, the largest group of accounting professionals in the nation. The Board's Licensure Program establishes minimum standards for entry into the profession and, because of the dynamic and ever-changing nature of the profession, establishes minimum continuing education requirements designed to maintain or enhance licensee's currency of knowledge. The Board also maintains a vigorous Enforcement Program designed to protect consumers, minimize substandard practice, rehabilitate licensees, and discipline licensees, as warranted.

2010/2011 Approved Enforcement Performance Measures (PM):

- **PM 1: Volume**
  Number of complaints received by the Board
- **PM 2: Intake Cycle Time**
  Average number of days to complete intake of all complaints
- **PM 3: Cycle Time of Closed Cases Not Resulting in Formal Discipline**
  Average number of days to complete the intake and investigation steps of the enforcement process, for closed cases not resulting in formal discipline
- **PM 4: Cycle Time of Closed Cases Resulting in Formal Discipline**
  Average number of days to complete the enforcement process (intake, investigation, and formal discipline steps) for those cases closed at the discipline stage
- **PM 5: Efficiency (*Cost)**
  Average cost of the enforcement process per complaint, by type
- **PM 6: Customer Satisfaction**
  Consumer satisfaction with the service received during the enforcement process

Scope of the Report:

All of the above performance measures relate to the Boards enforcement program. Other measures have been established which report on licensing and administrative performance, but are not a part of this document.

Scorecard Performance Summary

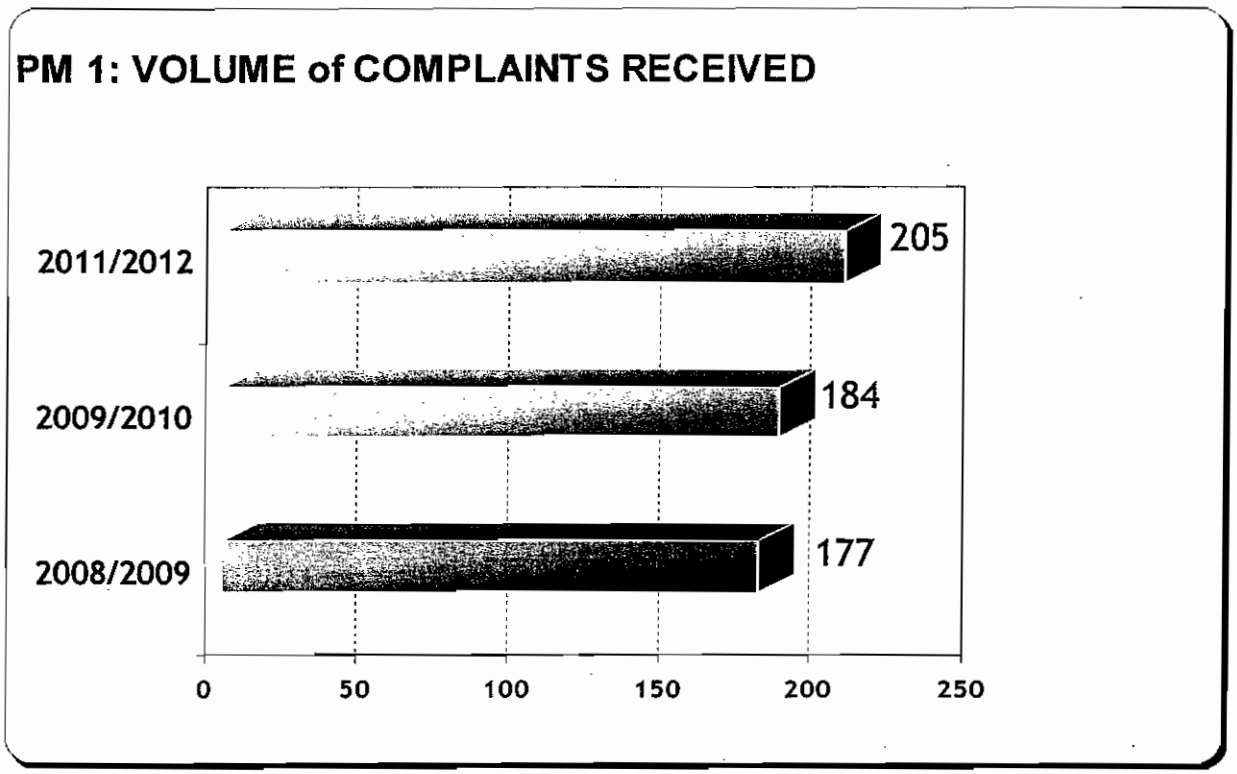
Metric Name	Pass	Needs Improvement	Fail
PM1: Volume			
PM 2: Intake Cycle Time	●		
PM 3: Cycle Time of Closed Cases Not Resulting in Formal Discipline			●
PM 4: Efficiency of Closed Cases Not Resulting in Formal Discipline	●		
PM 5: Cycle Time of Closed Cases Resulting in Formal Discipline	●		
PM 6: Efficiency of Closed Cases Resulting in Formal Discipline	●		
PM 7: Customer Satisfaction			

PM 1 | Volume

Summary: The Board of Accountancy received 205 complaints in Fiscal Year 2010/2011. This was a 12% increase from the previous fiscal year and demonstrates that the board's workload has increased slightly.

Goal: N/A

Source: CAS



Complaints Received: 205

N/A: This measure is not graded

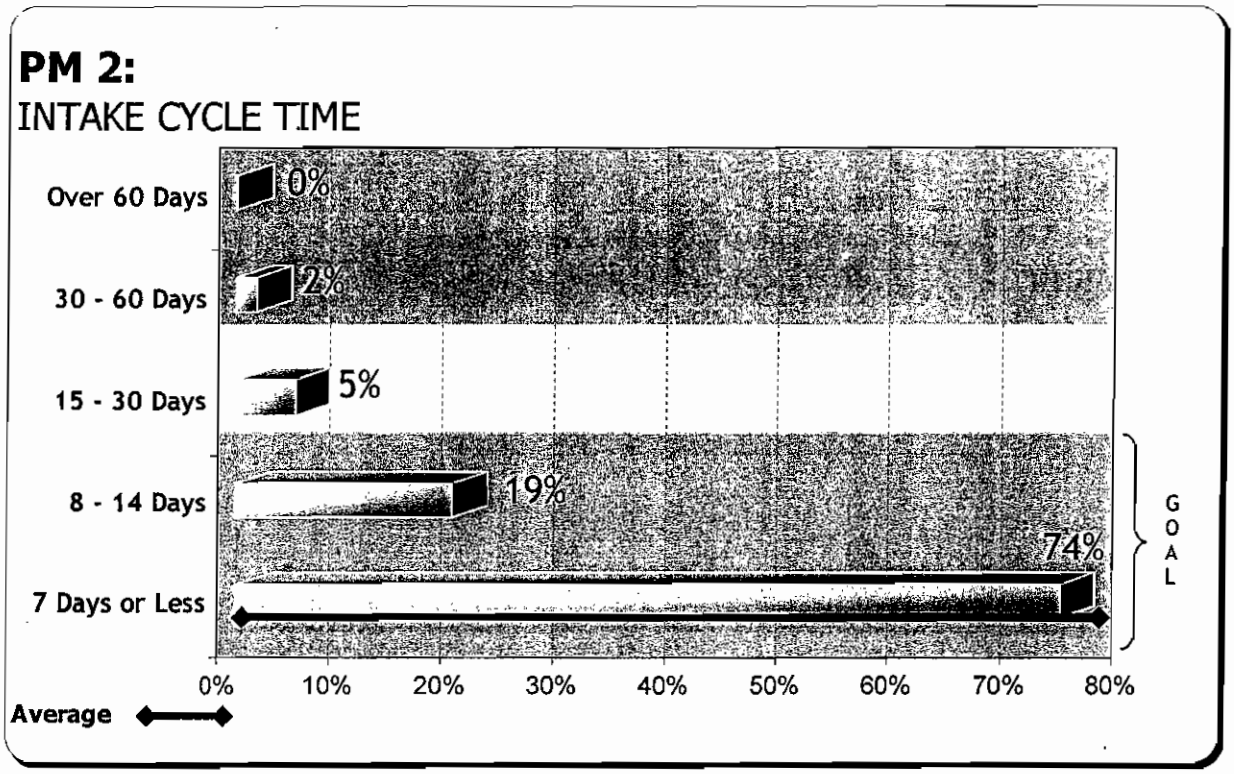
PM 2 | Intake Cycle Times

Summary: For the 2010/2011 FY, the Board of Accountancy's average cycle time for complaint intake was 28 days. As this was the first year in which the performance measure was implemented, this average will serve as a baseline for subsequent performance evaluations.

Average Intake Cycle Time: 28 Days

Goal: 14 Days or less

Source: CAS



Average Intake Cycle Time: 5 Days

Percentage of Cases Which Achieved Goal Cycle Time: 93%

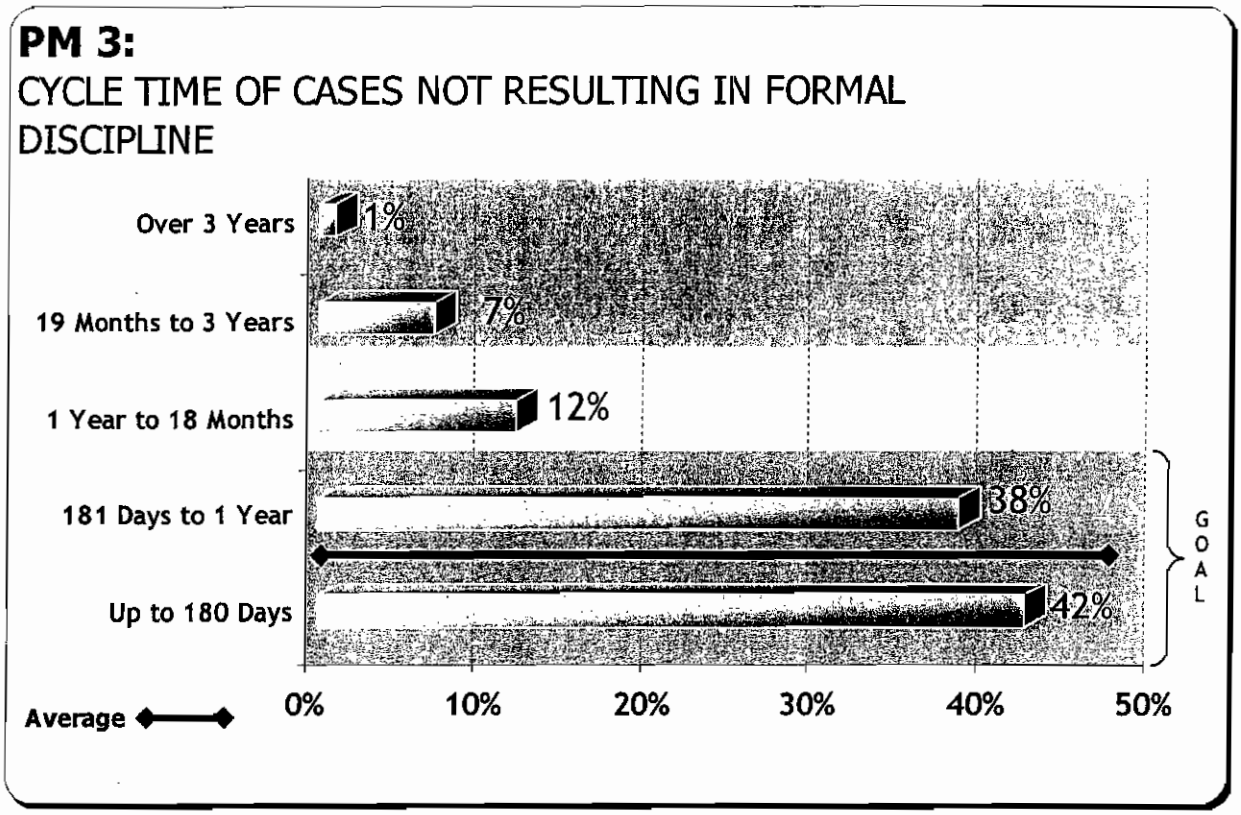
Pass: Target goals met.

PM 3 | Cycle Time of Closed Cases Not Resulting in Formal Discipline

Summary: For the 2010/2011 FY, the Board of Accountancy's average cycle time for closed cases which did not result in formal discipline was 280 days. As this was the first year in which this performance measure was implemented, this average will serve as a baseline for subsequent performance evaluations.

Goal: Less than 12 months

Source: CAS



Average Cycle Time to Close Cases Not Resulting in Formal Discipline: 187 Days

Percentage of Cases Which Achieved Goal Cycle Time: 80%

Pass: Targets goals met.

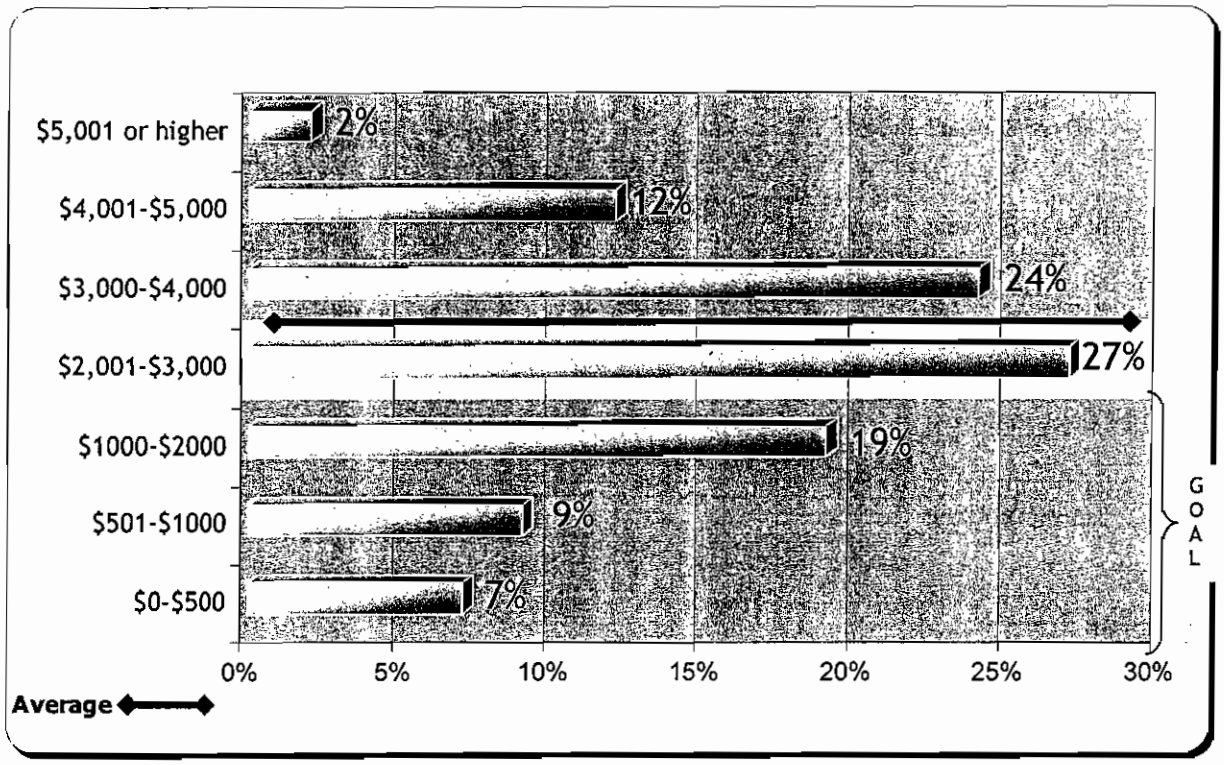
PM 4 Efficiency of Closed Cases Not Resulting in Formal Discipline

Summary: For the 2010/2011 FY, the Board of Accountancy's average of cost for the enforcement process for all closed cases was $3,047. As this was the first year in which this performance measure was implemented, this average will serve as a baseline for subsequent performance evaluations.

Goal: $2,000

Percentage of Cases Which Achieved Goal: 35%

Source: CAS



Average cost per case: $3,047

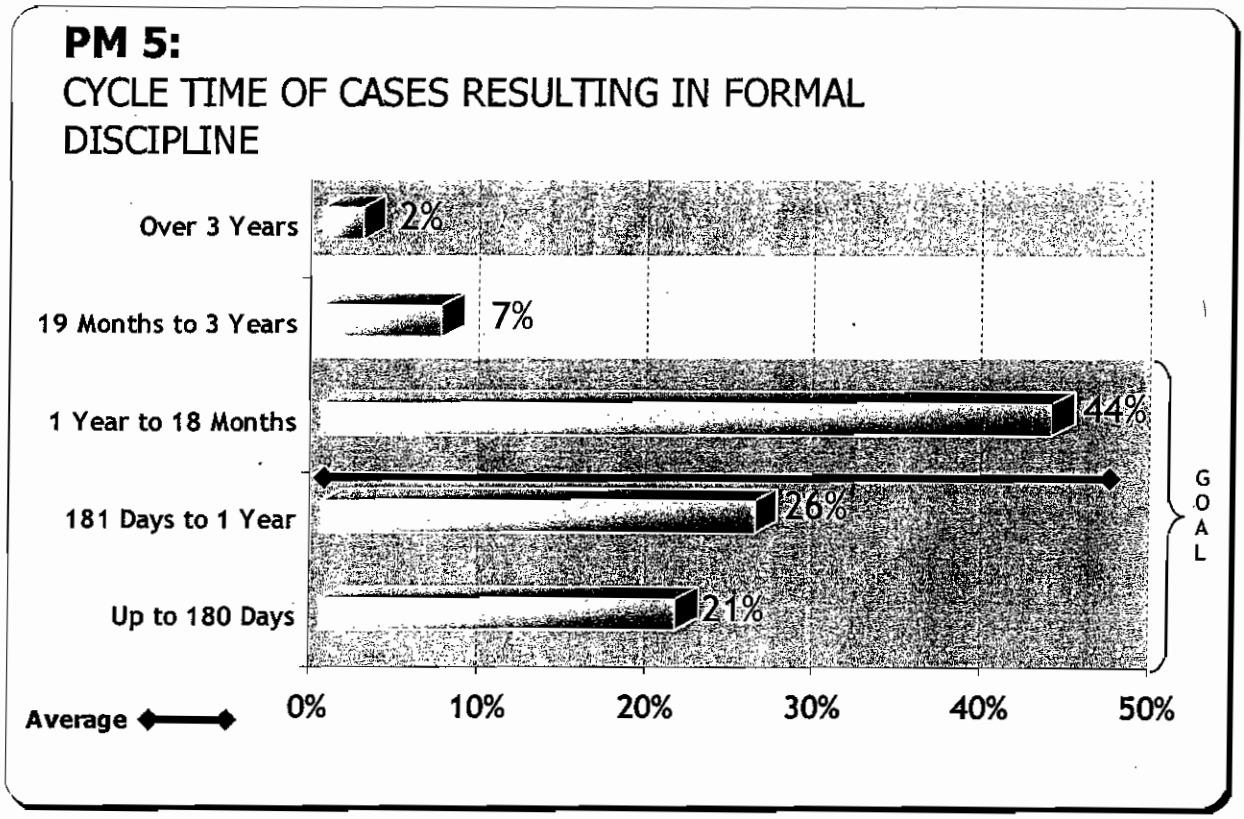
Failed: Major improvements needed.

PM 5 | Cycle Time of Closed Cases Resulting in Formal Discipline

Summary: For the 2010/2011 FY, the Board of Accountancy's average cycle time for closed cases which resulted in formal discipline was 370 days. This fell within the target range 12 to 18 months as established by the Department. As this was the first year in which this performance measure was implemented, this average will serve as a baseline for subsequent performance evaluations.

Goal: 12 to 18 Months

Source: CAS



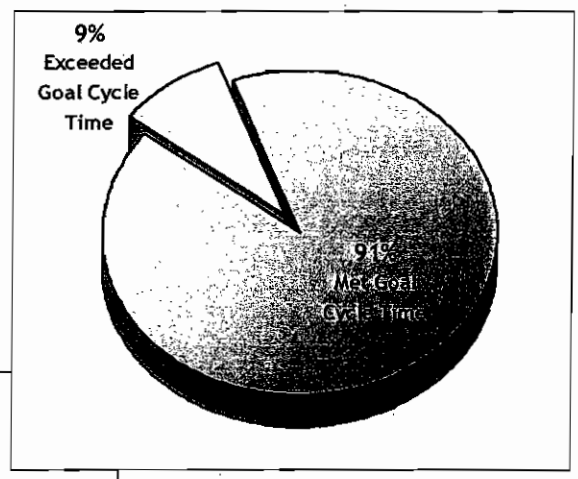
Average Cycle Time to Close Cases Resulting in Formal Discipline: 389 Days

Percentage of Cases Which Achieved Goal Cycle Time: 91%

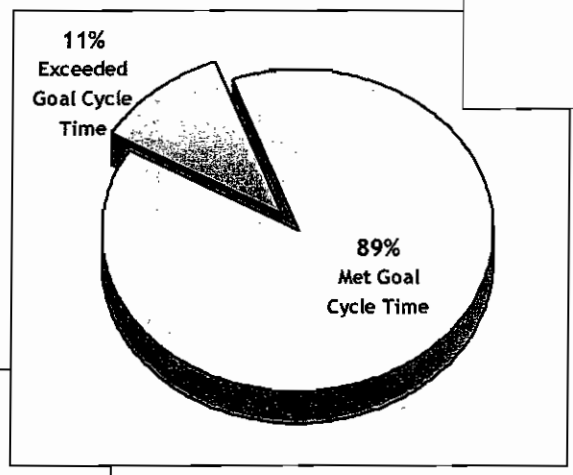
Pass: Target goals met.

PM 5 cont | Cycle Time of Closed Cases Resulting in Formal Discipline Year over Year Comparison

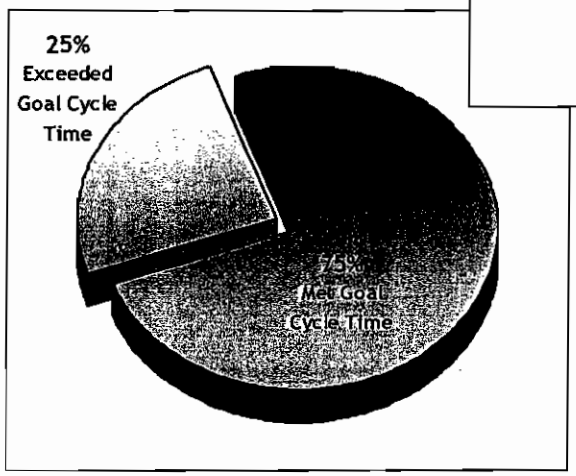
Closed Cases 2010/2011 FY



Closed Cases 2009/2010 FY



Closed Cases 2008/2009 FY



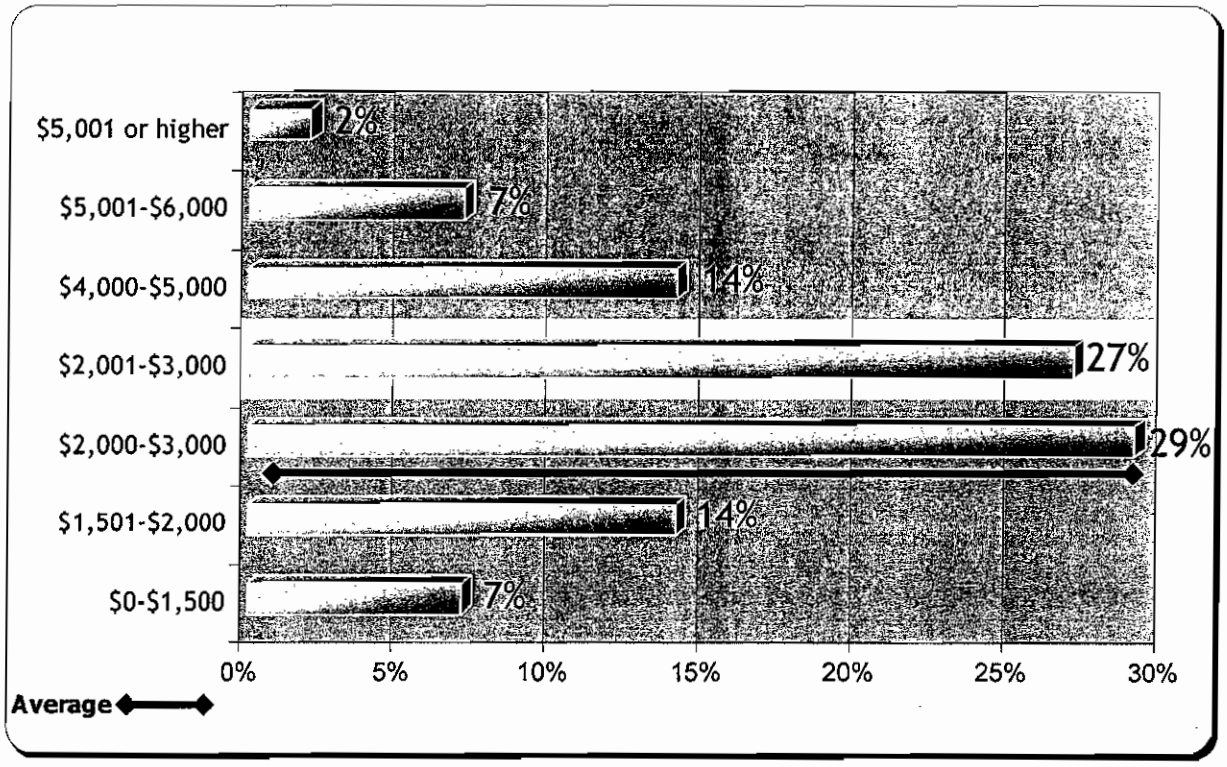
PM 6 | Efficiency of Closed Cases Resulting in Formal Discipline

Summary: For the 2010/2011 FY, the Board of Accountancy's average of cost for the enforcement process for all closed cases was $2,047. As this was the first year in which this performance measure was implemented, this average will serve as a baseline for subsequent performance evaluations.

Goal: $3,000

Percentage of Cases Which Achieved Goal:

Source: CAS



Average cost per case: $2,047

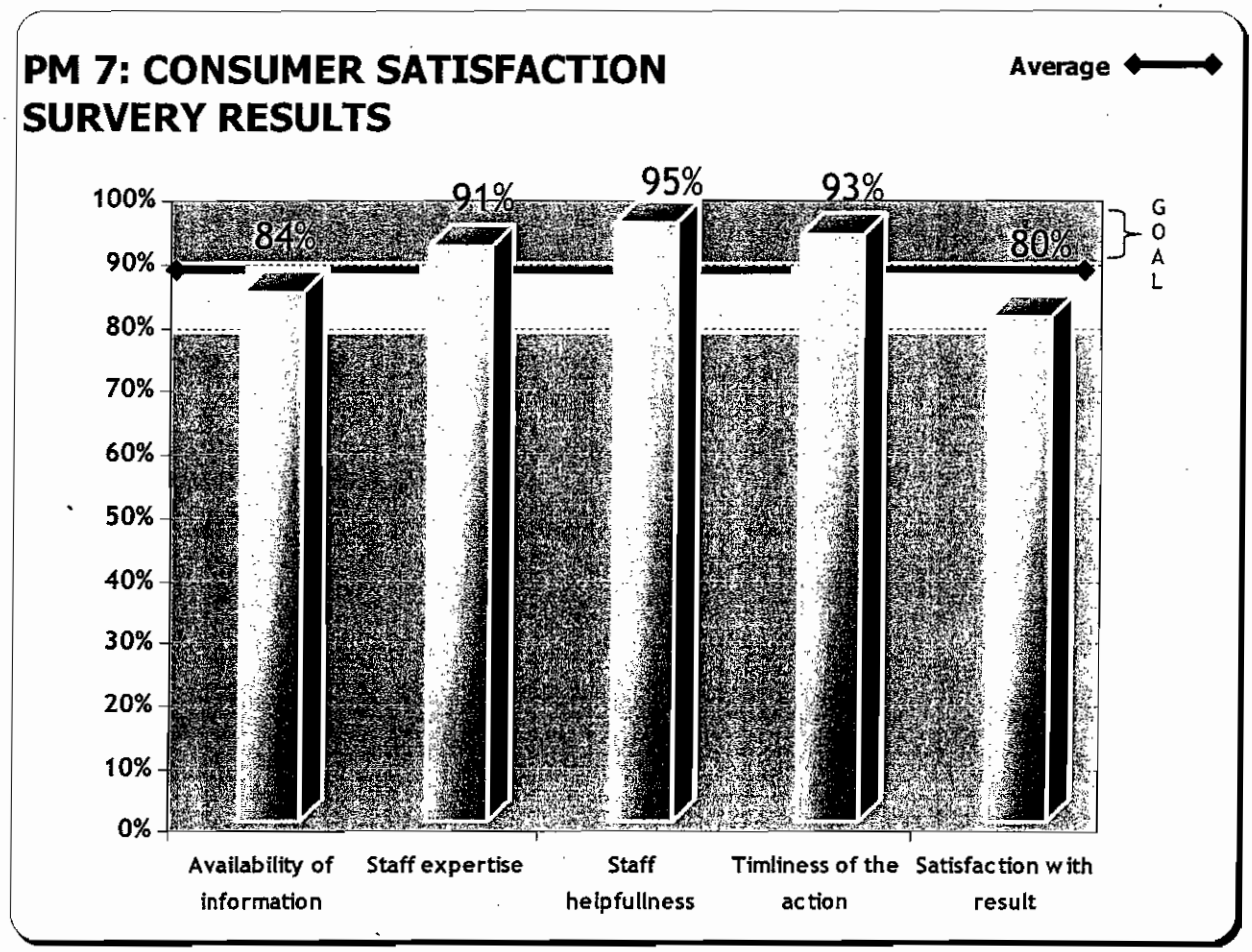
Pass: Target goals met.

PM 7 Customer Satisfaction

Definition: Satisfaction was measured through a new survey which was mailed to every consumer who filed a complaint with the Board of Accountancy. As this was the first year in which this performance measure was implemented, this average will serve as a baseline for subsequent performance evaluations.

Goal: 90%

Source: Customer Service Surveys



Average score: 89%

Improvements needed

PROPOSED PERFORMANCE MEASUREMENT SYSTEM -- ENFORCEMENT

Bev Augustine, Deputy Director
SOLID
Sonja Merold, Acting Deputy Director
CCED
Evin Van Outryve, Analyst
SOLID
December 2009

Performance Measurement Group -- Members

Alex Glaros
Alicia St. Louis
Bev Augustine
Carolyn Ballou
Cathleen Sahlman
Connie Trujillo
Daryl Walker
Evin VanOutryve
Kim Madsen
Kathryn Klumpe
Teresa Moraga
Sonja Merold
Lynne Stiles
MaryAnn Aguayo
Nancy Smith
Pam Wortman
Paul Riches
Patty Bowers
Pierre Lessard
Sarah Wilson
Teresa Schaeffer
Sean Oconnor
Kim Kirchmeyer

Why Establish Performance Measures?

- Accountability/Transparency– publicly demonstrate effective use of additional resources

Why Establish Performance Measures?

- Communication -- will help DCA tell its story more effectively – easy-to-understand terminology, graphics

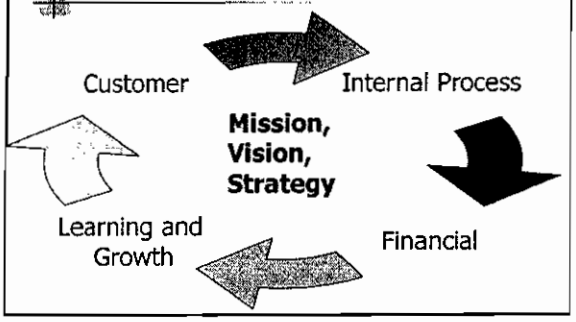
Why Establish Performance Measures?

- Uniformity – a single set of definitions for reporting performance AND for business processes

Balanced Scorecard System

- Selected by Director
- One of several frameworks
- Used extensively by both government and business

Balanced Scorecard System



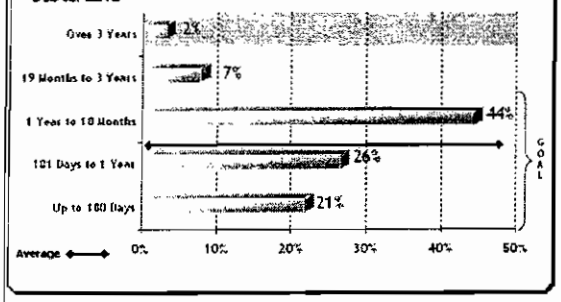
Balanced Scorecard System

Balanced Scorecard System – DCA External Measures

Process	Customer
•Volume •Cycle Time	•Customer •Satisfaction
Financial	**Learning**
•Efficiency	•TBD

Metric Name	Passed	Needs Improvement	Failed
PM 1: Volume			
PM 2: Intake Cycle Time			
PM 3: Cycle Time of Closed Cases Not Resulting in Formal Discipline			
PM 4: Efficiency of Closed Cases Resulting in Formal Discipline			
PM 5: Cycle Time of Closed Cases Resulting in Formal Discipline			
PM 6: Efficiency of Closed Cases Resulting in Formal Discipline			
PM 7: Customer Satisfaction			

PM 5:
CYCLE TIME OF CASES RESULTING IN FORMAL DISCIPLINE



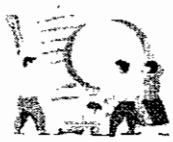
Pass: Target goals met.

Importance of Macro Process

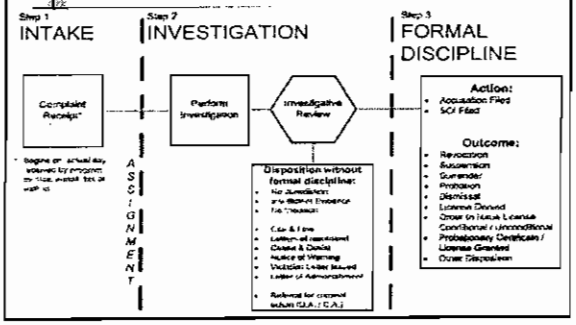
- Customer-centric – how consumers & other stakeholders view the process
- Describes significant milestones on which to base external measures

Importance of Macro Process

- Creates a single description of the overall process for external/internal communication



Proposed Enforcement Macro Process



Proposed Enforcement Process Definitions

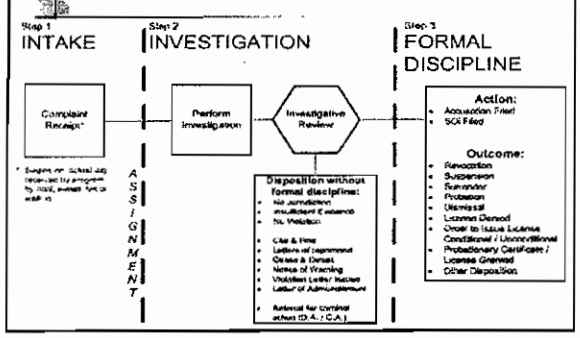
<u>Step 1: Intake</u>

--**Intake** – receipt and acknowledgement of complaint

--**Begins** on actual day of receipt, NOT day of date stamp

--**Ends** when complaint is acknowledged & before it is assigned

PM 1 & 2: Volume and Intake



Proposed Enforcement Process Definitions

Step 2: Investigation

--**Begins** with Assignment to any employee regardless of classification

--**Investigation** - collection and verification of facts to determine jurisdiction and violations of law

Proposed Enforcement Process Definitions

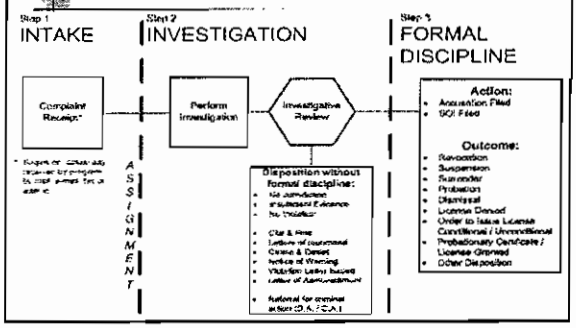
Step 2: Investigation (cont.):

--Investigation is performed

--Review of investigative report by management

--**Ends** when case is Closed with no formal action

PM 3 & 4: Cases Not Going to Formal Discipline



Proposed Enforcement Process Definitions

Step 3: Formal Discipline

--**Formal Discipline** -- any administrative action that could affect the issuance or status of the professional's license

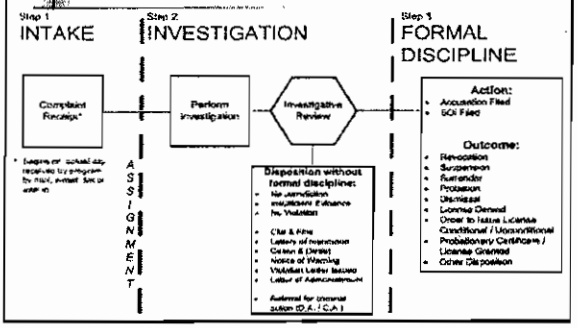
Proposed Enforcement Process Definitions

Step 3: Formal Discipline (cont.)

--**Begins** when case is submitted to Attorney General

--**Ends** when a decision is rendered

PM 5 & 6: Cases Going to Formal Discipline



Examples of Potential Internal Performance Measures

- Number of days from receipt of complaint to beginning of intake
- Number of days from completion of intake to assignment
- Quality of investigative reports sent to A.G.

2010 Implementation Plan

- Finalize measures – January
- OIS/CAS work on communicating report definitions, developing new standards, modifying CAS, etc. – January – June
- Training – April – June
- Standardized codes implemented – July
- First quarter report issued to all stakeholders – October

Questions?

- Bev Augustine 574-8203
  SOLID
- Sonja Merold 574-8202
  CCED/OPES
- Paul Riches 574-8214
  Executive Office

Exhibit E

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR
Medical Board of California
BOARD OF PODIATRIC MEDICINE
2005 Evergreen Street, Suite 1300, Sacramento, CA 95815
P (916) 263-2647 F (916) 263-2651 WWW.BPM.CA.GOV

EXECUTIVE OFFICER NARRATIVE

BPM's plan to improve enforcement during calendar 2010 with existing resources: specific program improvements and planned completion dates, to be updated and submitted to DCA monthly with enforcement statistics.... This initial report will be finalized and submitted upon BPM's completion of the statistics report, which DCA has postponed the due date of to February 15.

The Board of Podiatric Medicine was the first State agency to support the Presley bills sponsored by the Center for Public Interest Law beginning in the late 1980s to reform physician discipline. BPM's leadership was instrumental in the enactment of the first of a series of bills [SB 2375, Statutes of 1990, Chapter 1597], and Senator Presely later served on BPM including two terms as President upon leaving the Senate.

SB 2375 initiated strengthening provisions affecting MDs and DPMs, the two doctor groups licensed by the Medical Board of California under the State Medical Practice Act. It is this reformed body of law that the Department is now proposing be enacted for all health boards.

A serious concern in 1990 was that the complaint process was taking too long from start to finish.

In January 1990, BPM staff instituted new complaint tracking goals to jumpstart the process anew. The new staff goals were 24-hours for Executive Officer review, 30 days for DPM medical consultant review, and six months for MBC investigators.

SB 2375 enacted Business & Professions Code Section 2319, which mandated that the Medical Board "set as a goal ... so that an average of no more than six months will elapse from the receipt of complaint to the completion of an investigation.... The goal...for cases which ... involve complex ... issues ... should be no more than one year to investigate."

The BPM Board Members at that time requested initiation of a Medical Board Enforcement Matrix Report that would show, for MBC, BPM, and all other health boards affiliated at that time with MBC, the number of cases in the system at each step and how long they had been there. This proved controversial. While other affiliated health boards dropped out, the report was continued for MDs and DPMs despite ongoing resistance for several years and has been a valuable management tool. MBC managers used it to clean up the data base, so that MBC would have reliable data. BPM exhibits it in each quarterly Board Member meeting agenda book.

The matrix report (Number & Status of Open Cases, Average Number of Days for Open Cases) exhibited in BPM's Agenda Book for the February 18, 2010 Board Meeting indicates as of January 31, 2010:

- 77 total DPM cases in the MBC system
- Average time for cases (28) in Medical Board Central Complaint Unit--53 days
- Average time for cases (9) with DPM Medical Consultant--11 days

- Average time for cases (0) with BPM Enforcement Coordinator--0 days
- Average time for cases (27) at Medical Board investigation field unit--205 days
- Average time for cases (3) awaiting preparation of Accusation by Attorney General--153 days
- Average time for cases (10) from Accusation to resolution--229 days

Thus, BPM's timelines are reasonably within B&P Code Section 2319's statutory goals for Medical Board investigations (180 days on average, 360 for complex cases). BPM is also reasonably close to the new operative Department of Consumer Affairs target cycle time. Noting that "the current timeframe for the disciplinary process against a health are professional's license is, in some instances, as long as 36 months," DCA's goal is 12-18 months from receipt of complaint to completion of investigation and final decision.

BPM's matrix data varies from report to report based on current case characteristics, but taking the as of January 31, 2010 data the compilation of average days at each stage add up to 651. That is 21.7 months, and this timeline data is drawn out by one (1) post-Accusation case pending at the AG's Office that was delayed for resolution of a criminal case in the civil courts. This case has been at the AG post-Accusation for two years, but the AG has now scheduled an administrative hearing before an Office of Administrative Hearing (OAH) Administrative Law Judge (ALJ) for May, 2010.

With DCA completion of the data reporting program for the statistical report for which board responses are now due February 15, staff will re-evaluate its performance. However, even given the data currently available, it has been and will continue to be BPM's ongoing goal to strive for continuing improvements.

Specifically, it is BPM's executive goal to meet DCA's 18-month goal overall on average by December 31, 2010. With the added resources of the non-sworn investigator time coming on stream in the latter part of 2010, BPM will attempt to improve this further in 2011.

Twenty years ago, BPM became the first of the health boards affiliated with the Medical Board to hire a full-time Enforcement Coordinator.

As noted above, BPM is part of the Medical Board and it is in fact the MBC that issues DPM licenses. The Medical Board also handles BPM cases under an annual Shared Services Agreement, funded by BPM's budget, which is efficient given BPM's less than 2,000 licensees and five (5) staff.

Under Shared Services, MBC:

- Receives, processes, coordinates and tracks DPM complaint review in its Central Complaint Unit
- Sends cases to DPM consultants, in coordination with BPM's Enforcement Coordinator, in quality/standard of care cases
- Sends cases to Medical Board investigators, as appropriate
- Sends cases to BPM's DPM expert reviewers/witnesses when DPM consultants determine indepth review indicated
- Refers cases to the AG, as appropriate

- Processes and manages proposed decisions, stipulated agreements, mail ballots to BPM Board Members, and final decisions, and coordinates petitions and court appeal documents
- Reports data to BPM in the Enforcement Matrix Report referenced above
- Reports BPM Accusations, Statements of Issue, and final decisions in its MBC Action Report

BPM's Enforcement Coordinator assists, facilitates and expedites this entire process, with exemplary diligence and dedication. Central to BPM's mission is an emphasis on the quality and appropriateness of case handling, in addition to moving cases expeditously. Justice delayed is justice denied, but inadequate plea bargaining could negate justice altogether and undermine BPM's consumer protection law enforcement.

The Enforcement Coordinator monitors each case to ensure adherance to at least the minimum disciplinary standards in the Board's adopted Regulations (Manual of Disciplinary Guidelines) Strong enforcement and weak enforcement each send a message. Strong enforcement (and high licensing standards) reinforce high professional standards, which lead to higher-quality care, less patient harm, fewer complaints, and fewer costly enforcement cases (after the patient harm has already been suffered).

With the Governor's Consumer Protection Enforcement Initiative (CPEI), the Medical Board will receive authority to hire non-sworn investigators to help expedite investigations. One-half of one of these positions will be dedicated to DPM cases and funded by BPM's budget. This .5 non-sworn addition to the boots on the ground beginning after July 1, 2010, will tremendously assist the Medical Board's ability to move BPM cases. The BPM Enforcement Coordinator will monitor this and add assistance to the non-sworn investigators to her daily program.

While Administrative Subpoenas issued under the Director's authority do not seem indicated for any of BPM's currently pending complaints at this time, this mechanism may become an important new tool as the Medical Board begins utilizing non-sworn investigators for cases that do not require assignment to sworn peace officers.

BPM proposed sunsetting of its former Diversion Program during its first Sunset Review in 1997, as there was no shortage of private-sector rehabilitiation programs and BPM's sponsorship of one diverting impaired doctors practicing below the standard of care from normal discipline seemed inconsistent with the Board's consumer protection law enforcement mission.

The State's lawmakers concurred and the "Diversion Program" authority was sunset by SB 1981 [Statutes of 1998, Chapter 736].

This sunsetting has worked well, without any problems. Doctors may enroll in private programs voluntarily and confidentially. If BPM disciplines a doctor based on complaints of unprofessional conduct related to substance abuse, participation in a private-sector program will be a term and condition of probation pursuant to the Board's Manual of Disciplinary Guidelines [incorporated by reference into the Board's regulations pursuant to Title 16, Division 13.9, Article 11, Section 1399.710]:

http://www.bpm.ca.gov/lawsregs/dgl.pdf

BPM's Manual requires the respondent in such cases to "submit to the BPM for its prior approval a rehabilitation monitoring program." When evaluating programs for approval, Board will approve only programs meeting the Uniform Standards adopted by the DCA Substance Abuse Coordination Committee. Staff has consulted with legal counsel and no changes to the Board's Manual or Regulations appear necessary at this time.

Licensing and enforcement go hand in glove for quality care by a professional work force. One is not more important than the other. With the best licensing, strong enforcement remains necessary. Without good licensing, even strong enforcement will not result in the optimum licensing population. Prevention of patient harm is central to BPM's Strategic Plan. BPM's quality licensing program and its Continuing Competence program, making it the first doctor-licensing board in the nation to require more than continuing education at each two-year renewal, are instrumental to the maintenance of a highly professional population of licensees, as indicated in the logitundinal decline in complaints:

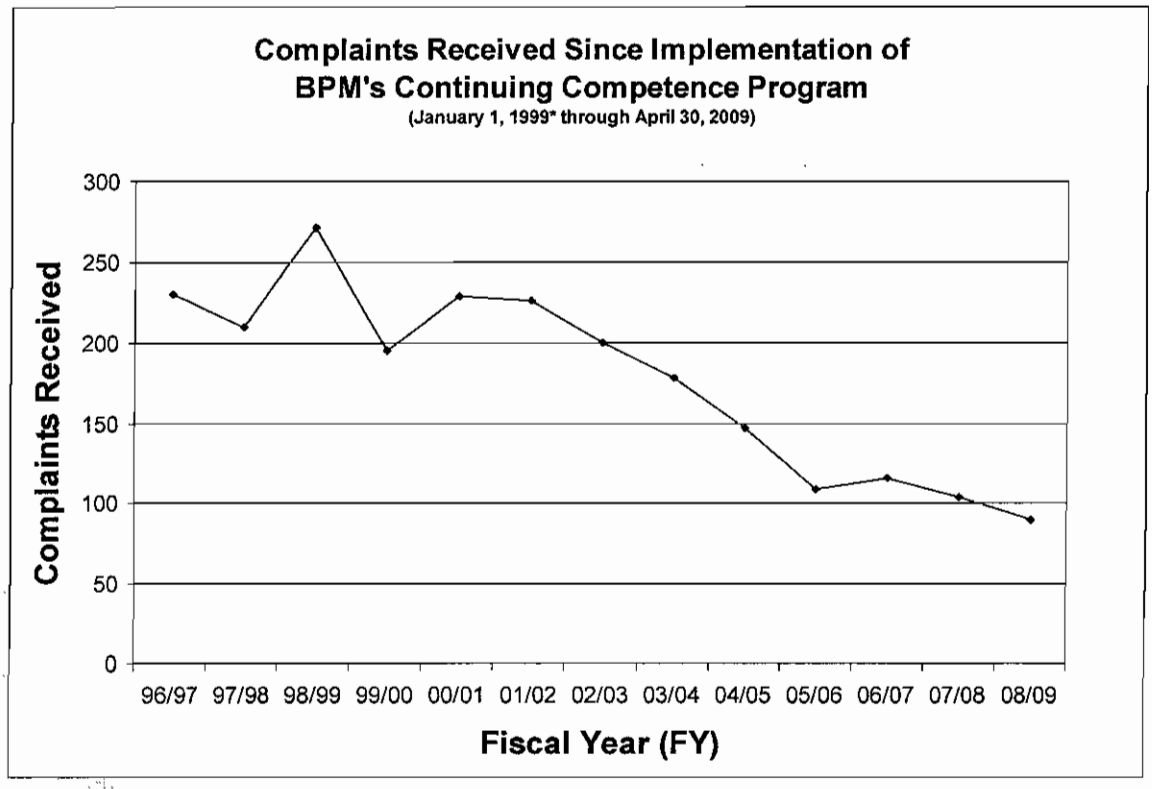
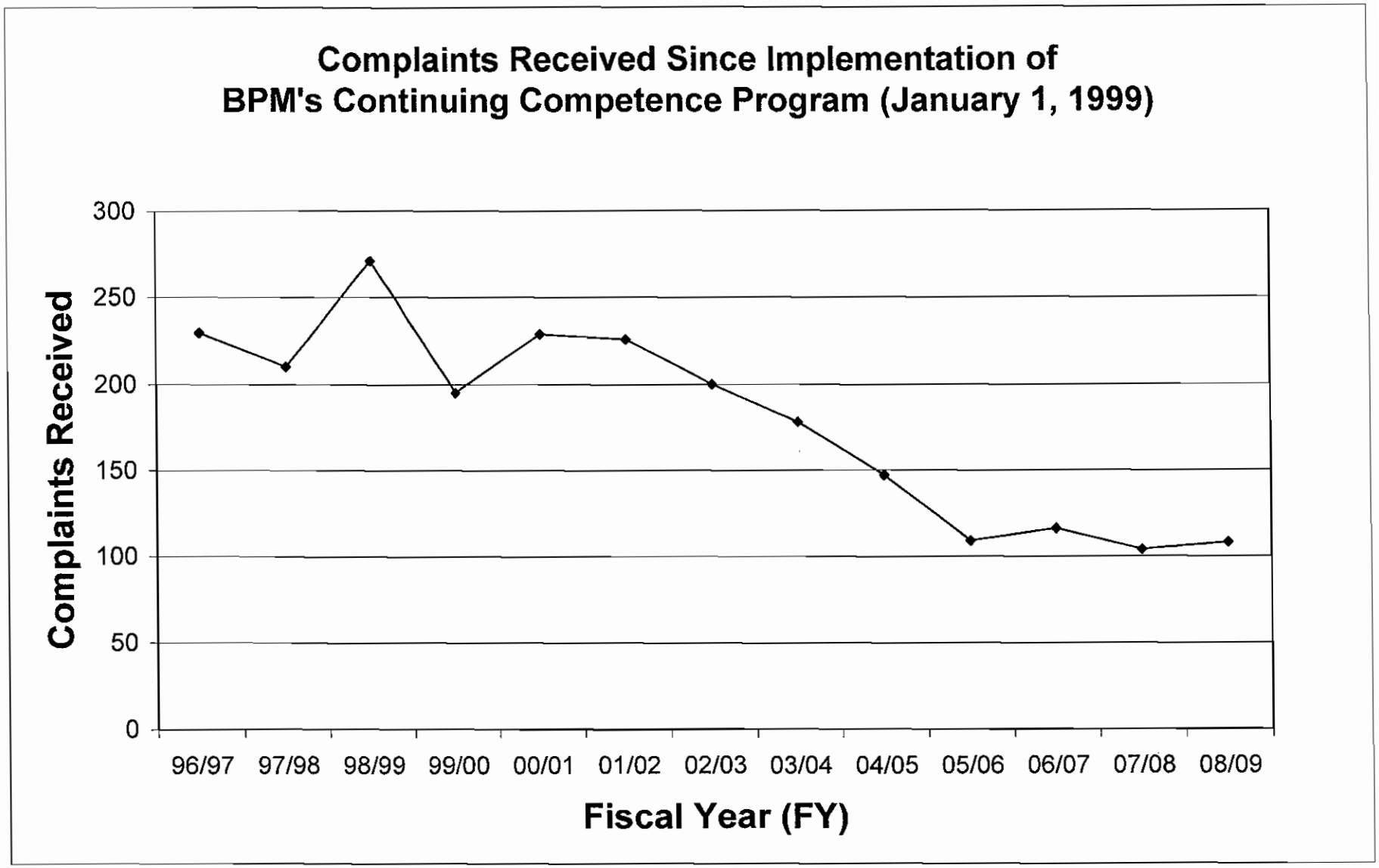


Exhibit F



Fiscal Year	96/97	97/98	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09
Complaints Received	230	210	271	195	229	226	200	178	147	109	116	104	108

COMPLAINT & DISCIPLINARY DATA

FY 09/10 through FEBRUARY 1, 2010

Fiscal Year	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10
Numbers of Licensees*:	1808	1834	1868	2016	2004	2000	2014	2022	2018
Complaints Received**:	226	200	178	147	109	116	104	108	67
Open Cases: 77									
Discipline Cases Pending at Attorney General:13									
Licensees on Probation: 36									
Citations and Fines	5	5	1	1	4	1	0	4	1
Cease/desist Letters***	16	2	7	10	5	6	4	5	1
Referred to Attorney General	23	14	14	12	12	13	9	7	4
Referred to District Attorney	6	0	2	0	0	1	0	0	0
Accusations/Petitions to Revoke Probation/SOI	12	9	11	9	7	12	8	4	7
Penalty Relief Petitions Filed	4	1	2	1	0	1	1	1	2
Hearings****	7	6	6	4	2	2	5	2	2
Prop. Dec. Non-adopted	1	0	1	0	1	0	0	0	0
Prop. Dec. Adopted	6	6	6	2	1	2	1	2	0
Stipulations Adopted	5	9	5	6	6	9	5	8	1
Probations	1	12	6	4	4	9	5	6	1
Suspensions	1	1	2	1	0	1	2	1	1
Revocations	1	1	3	1	2	0	1	2	0
Surrenders During Prosecution	1	2	2	1	2	0	0	0	0
Public Letter of Reprimand	2	0	0	0	0	0	0	0	0
Other	2	0	0	0	0	0	0	2	0
Criminal arrests/ convictions	1/1	0/0	2/1	0/0	0/0	1/0	0/0	0/1	0/0
Temporary Restraining Orders/ Interim Suspensions/ Automatic Suspensions/PC-23 Orders	3	1	2	1	0	2	1	1	1

* *includes all licensees with a status code 10 (E)*

** *includes multiple complaints against individual licensees*

*** *includes letters following educational interviews*

**** *includes reinstatements, penalty relief petitions, and any other cases heard by an Administrative Law Judge (ALJ)*

REPORT: FD720010
AGENCY: 6301

MEDICAL BOARD OF CALIFORNIA

NUMBER & STATUS OF OPEN CASES AS OF 01/31/2010

FOR: 1B BOARD OF PODIATRIC MEDICINE

DATE: 02/01/10
TIME: 09:13:57

DAYS:	MONTHS 0-3 (0-90)	4-6 (91-180)	7-9 (181-270)	10-12 (271-364)	YEARS 1 (365-728)	2 (729-1092)	3 (1093-1456)	4 (1457-1820)	OVR 4 (GT 1820)	TOTAL
CAT/ CSR/ CSA	22	5	1							28
CONSULTANT	9									9
EXEC OFFICER										
INVESTIGATION	12	5	2	2	6					27
AG - PRE	1	1	1							3
AG - POST	2	5	2			1				10
** REPORT TOTALS:	46	16	6	2	6	1				77

INITIAL COMPLAINT REVIEWED BY CONSUMER ASSISTANT TECHICIAN / CONSUMER SERVICES REPRESENTATIVE / ANALYST.

CONSULTANT REVIEW DURING EVALUATION OF COMPLAINT.

CASES AWAITING FILING OF ACCUSATION BY ATTORNEY GENERAL'S OFFICE.

CASES AFTER FILING OF AN ACCUSATION BY ATTORNEY GENERAL'S OFFICE.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^y50,10,3250,7,2
^y60,10,3250,7,2
^y70,10,3250,7,2
^y80,10,3250,7,2
^y90,10,3250,7,2
^y100,10,3250,7,2
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MEDICAL BOARD OF CALIFORNIA

AVERAGE NUMBER OF DAYS FOR OPEN CASES AS OF 01/31/2010

FOR: 1B BOARD OF PODIATRIC MEDICINE

	CAT/CSR CSA (1)	CONSULT (2)	EXEC OFFICER	INVEST-IGATION	---ATTORNEY GENERAL---- PRE (3)	POST (4)
BOARD OF PODIATRIC MEDI	53	11	0	205	153	229

*** AVERAGE AGING CASES CALCULATED USING OPEN CASES ONLY ***

(1) INITIAL COMPLAINT REVIEWED BY CONSUMER ASSISTANT TECHICIAN / CONSUMER SERVICES REPRESENTATIVE / ANALYST.

(2) CONSULTANT REVIEW DURING EVALUATION OF COMPLAINT.

(3) CASES AWAITING FILING OF ACCUSATION BY ATTORNEY GENERAL'S OFFICE.

(4) CASES AFTER FILING OF AN ACCUSATION BY ATTORNEY GENERAL'S OFFICE.

REPORT: FD720010
AGENCY: 6301

MEDICAL BOARD OF CALIFORNIA

NUMBER & STATUS OF OPEN CASES AS OF 01/31/2010

FOR: IDENTIFIERS OF PHYSICIANS AND SURGEONS

DATE: 02/01/10
TIME: 09:11:05

DAYS:	MONTHS 0-3 (0-90)	4-6 (91-180)	7-9 (181-270)	10-12 (271-364)	YEARS 1 (365-728)	2 (729-1092)	3 (1093-1456)	4 (1457-1820)	OVR 4 (GT 1820)	TOTAL
CAT/ CSR/ CSA	676	189	33	6						904
CONSULTANT	348	12								360
EXEC OFFICER										
INVESTIGATION	263	219	204	117	257	14				1074
AG - PRE	94	40	17	6	22	4				183
AG - POST	92	57	45	30	36	9	2	2	6	279
** REPORT TOTALS:	1473	517	299	159	315	27	2	2	6	2800

INITIAL COMPLAINT REVIEWED BY CONSUMER ASSISTANT TECHICIAN / CONSUMER SERVICES REPRESENTATIVE / ANALYST.

CONSULTANT REVIEW DURING EVALUATION OF COMPLAINT.

CASES AWAITING FILING OF ACCUSATION BY ATTORNEY GENERAL'S OFFICE.

CASES AFTER FILING OF AN ACCUSATION BY ATTORNEY GENERAL'S OFFICE.

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^y40,10,3250,7,2
^y50,10,3250,7,2
^y60,10,3250,7,2
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^y80,10,3250,7,2
^y90,10,3250,7,2
^y100,10,3250,7,2

REPORT: FD720020
AGENCY: 6301

MEDICAL BOARD OF CALIFORNIA

AVERAGE NUMBER OF DAYS FOR OPEN CASES AS OF 01/31/2010

FOR: IDENTIFIERS OF PHYSICIANS AND SURGEONS

DATE: 02/01/10
TIME: 09:11:05

	CAT/CSR CSA (1)	CONSULT (2)	EXEC OFFICER	INVEST-IGATION	---ATTORNEY GENERAL---- PRE (3)	POST (4)
PHYSICIANS & SURGEONS	67	39	0	244	155	271

*** AVERAGE AGING CASES CALCULATED USING OPEN CASES ONLY ***

(1) INITIAL COMPLAINT REVIEWED BY CONSUMER ASSISTANT TECHICIAN / CONSUMER SERVICES REPRESENTATIVE / ANALYST.

(2) CONSULTANT REVIEW DURING EVALUATION OF COMPLAINT.

(3) CASES AWAITING FILING OF ACCUSATION BY ATTORNEY GENERAL'S OFFICE.

(4) CASES AFTER FILING OF AN ACCUSATION BY ATTORNEY GENERAL'S OFFICE.

Board of Podiatric Medicine's
Probation Surveillance Program
FEBRUARY 2010

Complaint No.	Subject's Name	Probation Officer	Medical Consultant	Practice Monitor	Status	Completion Date
Active Status:						
1B-2000-111711	Schultz, Alan	Emilio	Giacopelli		Active	11/05/09
1B-2002-136887	Liddy, Timothy	Rodriguez	Walburg		Active	12/08/10
1B-2006-177959	Khosroabady, Alireza	Emilio	Walburg		Active	05/16/10
1B-2005-166794	Scivally, John	Seamons	Greenwald	Bois	Active	05/28/10
1B-2002-138520	Austin, Gerald	Seamons	Greenwald	Neagu	Active	09/18/10
1B-2004-159009	Marangoni, Anne	Seamons	Gerbert		Active	01/12/11
1B-2007-186067	Lee, Jake	Seamons	As needed		Active	01/29/11
1B-2004-158243	Lai, Chun-Sun	Seamons	Greenwald	Gerbert	Active	02/05/11
1B-2009-199504	Gilman, Rose Diane	Emilio	Walburg		Active	02/11/11
1B-1999-102247	Splettstoesser, James	Seamons	Buckenberger		Active	03/03/11
1B-2003-144948	Perales, Theresa	Seamons	Shuken	Shuken	Active	05/08/11
1B-2004-160535	Ky, Nguyen	Seamons	Greenwald		Active	11/01/11
1B-2002-139109	Tabassian, Mitra	Rodriguez	Labovitz	Wagreich	Active	07/06/11
1B-2009-199504	Nazarian, Serjik	Emilio	Wagreich		Active	08/04/11
1B-2001-125040	Rash, Wayne	Seamons			Active	03/21/12
1B-2006-172684	Chen, Eric	Emilio	Wagreich		Active	05/26/12
1B-2004-162454	Hernandez, Virgil	Emilio	Giacopelli	Wagreich	Active	07/09/12
1B-2003-142446	Hague, Douglas	Campbell	Sarte		Active	10/08/12
1B-2005-171787	Roberts, Joshua	Rodriguez	Giacopelli		Active	07/01/13
1B-2005-163869	Lawrence, Eric	Emilio	Walburg	Labovitz	Active	11/19/13
1B-2006-178311	Allen, Kirk	Seamons	Greenwald		Active	11/19/13

Complaint No.	Subject's Name	Probation Officer	Medical Consultant	Practice Monitor	Status	Completion Date
1B-2004-162844	Graves, Richard	Rodriguez	Labovitz	Alavy	Active	03/09/14
1B-2007-181509	Servatjoo, Parviz	Rodriguez	Walburg	Walburg	Active	05/08/14
1b-2005-169051	Nguyen, Tan	Seamons	Bois	Bois	Active	08/17/14
1B-2004-162196	Carrasco, Pete	Emilio	Wagreich	PEP	Active	07/02/15
1B-2004-1588802	Moy, Richard	Rodriguez	Labovitz	Taubman	Active	10/01/15
					Subtotal	**26**
Tolled Status:	**(Out of State)**					
1B-1990-3602	Marek, Neal	Seamons			Tolled	
1B-2000-105396	Salz, Joseph	Seamons			Tolled	
1B-2006-179270	O'Meara, Sean	Seamons			Tolled	
					Subtotal	**3**
Pended Status:	**(In State)**					
1B-2005-163868	Alvaro, Michael	Seamons			Pended	
1B-1990-5979	Metz, Douglas	Seamons			Pended	
1B-1996-64516	Levy, Sherwin	Seamons			Pended	
1B-1995-52592	Weber, Bennie	Seamons			Pended	
1B-1998-090267	Jarvis, Brian	Seamons			Pended	
1B-2005-167595	Truong, Vinncente	Seamons			Pended	
1B-2002-133194	Fowler, Morris	Seamons			Pended	
					Subtotal	**7**
			TOTAL PROBATION MONITORING CASES:		**36**	

COMPLIANCE CASES – NON-PROBATIONARY

1B-2005-165008 **Brim, Mark Avery** **Mason** **Pending**

Conditions:	**Due Dates:**
1) 65 hours of CME for three calendar years	July 13, 2009 – deadline to submit for approval
2) Enroll in a Medical Recordkeeping Course	July 13, 2009 – deadline to enroll
3) Pay $15,000 for cost recovery	May 14, 2012 – deadline to pay cost recovery in full
Issue Public Reprimand	May 14, 2012 – if successfully completed all terms and conditions