



ENFORCEMENT COMMITTEE
FEBRUARY 18, 2015

SUBJECT: ENFORCEMENT PROGRAM REPORT
ACTION: RECEIVE AND FILE STATUS REPORT

E-1

RECOMMENDATION

Receive and file the status update report on Enforcement Unit activity.

ISSUE

This status report highlights key areas and statistics for BPM's Enforcement Unit and other enforcement activity of note since last reported November 7, 2014, and covers the period from October 2014 through December 2014 for end of quarter purposes.

DISCUSSION

1. Current Enforcement Statistics

Enforcement reports have been reconfigured to provide a "current capture" of enforcement activity during the last three months along with a comparison over the prior fiscal year's quarterly data (for the same quarter) in order to notate any statistically significant changes and better track improvements and/or deficiencies in real time.

A) Complaint Data

The complaint data report shows a slight delay for the second quarter of FY 14-15 compared to the second quarter of FY 13-14 regarding the time a complaint is received until it is assigned to investigation (**Attachment A – Enforcement Statistics – Complaint Data**). BPM has a shared services agreement with the Medical Board of California with a designated staff person who processes BPM complaints. An inquiry was made of the MBC for explanation as to the cause of increased delays. MBC response is as follows:

"During the last quarter of 2014 CCU suffered a serious staffing shortage within the section responsible for complaint initiation. In order to process complaints in a timely manner, it is necessary for all four Management Services Technician (MST) positions to be filled with trained staff. Unfortunately, since October 2014, CCU only had two MSTs performing this function which created a backlog. However, as of December 31, 2014, complaint initiation is once again within the required timeframe. All MST positions are filled and new staff is currently being trained. We expect to maintain this status so your statistics, along with ours and other clients, are not affected by further delays.

Also, there was an additional undue delay to the initiation of a Spanish complaint. This particular complaint was received by [the MBC] office in July but was not translated until November, then was initiated in December. This delay is concerning to [MBC] as well and will be addressed with the staff person in order to avoid a similar occurrence in the future.”

B) Investigation Data

Although the investigation data report shows an uptick above DCA Performance Measure target of 125 days for investigation completion, Second quarter FY 14-15 data does indicate a significant increase in the amount of cases being closed in addition to a decrease in the average number of days to complete a case compared to second quarter FY 13-14. **(Attachment B – Enforcement Statistics – Investigation Data)**. We note that Investigative staff have moved from the Medical Board of California to the Division of Investigation, Health Quality Enforcement Unit beginning July 1, 2014. We believe we can attribute the improved handling of investigative cases to this move.

C) Disciplinary Data

Due to a small number of BPM disciplinary cases each year, there is greater possibility of larger variation in the mean average when analyzing small data sets for performance measure reporting. In some instances, the data may show a small number of cases that were resolved rather quickly leading to a favorable mean for case resolution. However, in other cases one outlier may span a lengthier duration given a number of significant factor including case complexity, legal delays, lack of cooperation from the subject DPM and other reasons unrelated to agency related delay. Mathematically speaking, given a larger data set and a concomitant increased number of opportunities for measuring, the average mean would become increasingly more precise. This disciplinary data report for this quarter indicates a case was completed timely in comparison to a case for the same period the year prior. **(Attachment C – Enforcement Data – Disciplinary Data)**.

Attorney General Case Aging Data is currently not functioning properly or reportable through BreEZe. Thus, BreEZE data for this metric is not included in the Disciplinary Data report at this time. A “Reports User Group” task force has been assembled with representatives from all BreEZe Release One Boards and Bureaus for seeking a solution. This issue is currently being handled and an update will be provided to Committee when resolved.

D) Attorney General Case Aging Data

Notwithstanding the issue described immediately above, staff is providing case aging data in a separate report based on information received directly from the Attorney General’s Office. **(Attachment D – Enforcement**

Statistics – Attorney General Case Aging Data). Please note some additional data is not tracked through the Attorney General report and is notated below the table with references to the applicable cases.

E) DCA Performance Measures

DCA Quarter 2 Performance Measures are currently being verified for accuracy through multiple sources and is provided solely in draft form at this time. Necessary corrections have been submitted to DCA for PM3 and PM4 reflecting corrected statistics contained in attachments B and C.

(Attachment E – Performance Measures – Q2 Report (October – December 2014))

Staff recommends that year over year comparisons take place annually following submission of the official Annual Report to DCA.

2. Consultant Applications

Two consultant applications have been received. Staff has verified both candidates meet all of the minimum requirements pursuant to board policy. It is submitted for Board consideration under **Agenda Item no. E-5.**

3. Probation/Cost Recovery Recoupment Status Update

Since implementation of a more aggressive posture for probation/cost recovery, beginning with invoices mailed out on August 22, 2014, and multiple correspondence in an effort to recovery funds owed pursuant to Board disciplinary orders and settlement agreement, a total of \$43,133.00 has been recovered through to end of second quarter on December 31, 2014.

Three individuals were submitted to the FTB Intercept Program for income tax refund interception in satisfaction of monies owed and due to BPM. At this time, monies have yet to be collected, however staff will advise the Board as outstanding debts are recovered through the program as last year's tax refunds are processed with FTB.

4. Consultant and Expert Training Update

An analysis of training options has been conducted for the Board's consideration and submitted under **Agenda Item no. E-6.**

There is no current policy regarding the training of BPM experts. However, staff continues with its plan to send BPM experts to the next expert training session held through MBC. Staff has been in dialogue with MBC which reports that it does not yet have a training scheduled for 2015. Staff continues to keep abreast of movement in this arena in order to ensure BPM is included when further plans develop.

5. QUARTERLY TIMELINE

Provided for Committee planning purposes and review is a 3-month timeline to enhance

committee situational awareness for pertinent dates and approaching deadlines.

NEXT STEPS

Staff will continue to maintain enforcement program processing timeframes through vigilant review of enforcement matrix reports and other data in order to effectively and efficiently expedite investigation of consumer complaints and prosecution of open cases.

ATTACHMENTS

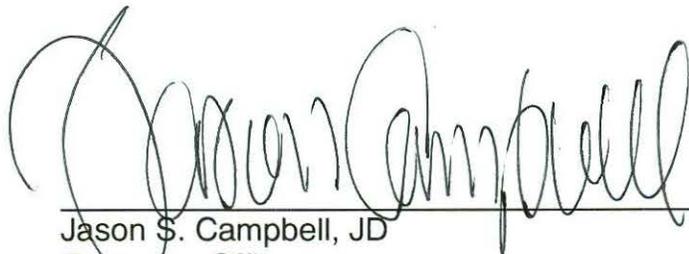
- A. Enforcement Statistics - Complaint Data
- B. Enforcement Statistics - Investigation Data
- C. Enforcement Statistics - Disciplinary Data
- D. Enforcement Statistics - Attorney General Case Aging Data
- E. DCA Performance Measures
- F. BPM Quarterly Timeline

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FOR

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Executive Officer

Board of Podiatric Medicine
Enforcement Statistics – Complaint Data
Quarter 2 Report (October – December 2014)

Complaint Intake

	14-Oct	14-Nov	14-Dec
Received	11	5	6
Assigned for investigation	8	9	8
Average days to close or assign (Target = 9 Days)	9	12	36
Pending	5	1	1

QTR 2 Total	QTR over last	+/- %
22	22	0%
25	19	+27%
19	14	+30%

Complaint Intake - Convictions/Arrests Reports

	14-Oct	14-Nov	14-Dec
Received	0	1	1
Assigned for investigation	0	1	1
Average days to close or assign (Target = 9 Days)	0	14	17
Pending	0	0	0

QTR 2 Total	QTR over last	+/- %
2	3	-40%
2	3	-40%
16	3	+137%

Total Complaint Intake

	14-Oct	14-Nov	14-Dec
Received	11	6	7
Assigned for investigation	8	10	9
Average days to close or assign (Target = 9 days)	9	13	34
Pending	5	1	1

QTR 2 Total	QTR over last	+/- %
24	25	-4%
27	22	+20%
19	12	+45%

Board of Podiatric Medicine
Enforcement Statistics – Investigation Data
Quarter 2 Report (October – December 2014)

ATTACHMENT B

Desk Investigations							
	14-Oct	14-Nov	14-Dec		QTR 2 Total	QTR over last	+/- %
Investigations Assigned	9	10	9		28	22	+22%
Investigations Completed	24	20	12		56	42	+29%
Avg Days to Complete Investigations	56	68	93		68	49	+32%
Investigations Pending	33	32	34				

Field Investigations							
	14-Oct	14-Nov	14-Dec		QTR 2 Total	QTR over last	+/- %
Investigations Assigned	5	1	3		9	9	0%
Investigations Completed	5	3	5		13	7	+60%
Avg Days to Complete Investigations	117	338	295		236	379	-46%
Investigations Pending	30	28	28				

Total Investigations							
	14-Oct	14-Nov	14-Dec		QTR 2 Total	QTR over last	+/- %
Investigations Assigned	8	10	9		27	22	+20%
Investigations Completed	18	14	9		39	14	+94%
Avg Days to Complete Investigations (Target = 125 Days)	111	173	263		168	232	-32%
Investigations Pending	100	96	96				

Board of Podiatric Medicine
Enforcement Statistics – Investigation Data
Quarter 2 Report (October – December 2014)

Investigations Aging

	14-Oct	14-Nov	14-Dec	QTR 2 Total	QTR over last	+/- %
Up to 90 Days	10	8	2	20	9	+76%
91 to 180 Days	4	1	2	7	1	+150%
181 Days to 1 Year	1	3	2	6	No data	n/a
1 to 2 Years	1	1	3	5	2	+86%
2 to 3 Years	0	1	0	1	2	-67%

Investigations Completed Without Referral for Disciplinary Action

	14-Oct	14-Nov	14-Dec	QTR 2 Total	QTR over last	+/- %
Investigations Completed	12	13	8	33	11	+100%
Average Days to Complete Investigations	136	130	275	167	171	-2%

**Board of Podiatric Medicine
Enforcement Statistics – Disciplinary Data
Quarter 2 Report (October – December 2014)**

Attorney General Cases						
	14-Oct	14-Nov	14-Dec	QTR 2 Total	QTR over last	+/- %
Cases Initiated	3	0	1	4	2	+67%
Cases Pending	11	10	11			
Accusations Withdrawn/Dismissed/Declined	0	0	0	0	0	0%
Closed Without Disciplinary Action	1	1	0	2	2	0%
Statement of Issues/Accusations Filed	0	0	1	1	2	-67%
Final Orders - Decisions/Stipulations	1	0	0	1	1	0%
Avg Days to Complete Final Orders (target = 540 Days)	94	0	0	94	1635	-178%

Attorney General Case Aging						
	14-Oct	14-Nov	14-Dec	QTR 2 Total	QTR over last	+/- %
Data unavailable at this time through BreZE						

Other Legal Actions						
	14-Oct	14-Nov	14-Dec	QTR 2 Total	QTR over last	+/- %
No Data for this Quarter 2014 or 2013						

Board of Podiatric Medicine
Enforcement Statistics – Disciplinary Data
Quarter 2 Report (October – December 2014)

Citations

	14-Oct	14-Nov	14-Dec	QTR 2 Total	QTR over last	+/- %
Final Citations	0	0	1	1	0	+200%
Average Days to Complete	0	0	317	317	n/a	n/a

Probation

	14-Oct	14-Nov	14-Dec	End of QTR 2
Number of Active Probationers	14	14	14	14
Number of Tolled Probationers	7	7	7	7
Probation Cases Initiated (New Probationers)	0	0	0	0
Probation Cases Closed (Probation Completions)	0	0	0	0
Probation Violations Submitted to the AG	0	0	0	0

Board of Podiatric Medicine
Enforcement Statistics – Attorney General Case Aging Data
As of January 6, 2015

Attorney General Case Aging

Case No.	Matter Type	Accepted for Prosecution	Pleading Sent	Pleading Signed	Notice of Defense Received	Request to Set	OAH Dates Received	Case Rev Ret/Rej	Stipulation Signed by Respondent	Hearing – Date Commenced	Adjudicate	Decision Signed	Age of Case
1	ACC	9/21/12	5/10/13	5/15/13	6/06/13	6/13/13	7/18/13			12/01/14		12/16/14	837
2	ACC	11/16/12	1/16/14	1/22/14	10/20/14	9/16/14	9/25/14						781
3	ACC	9/18//13	4/18/14	4/25/14	5/12/14	5/20/14	6/10/14						475
4	ACC	12/11/13	2/21/14	3/05/14	3/20/14								391
5	ACC	2/05/14	5/16/14	5/30/14	6/20/14	9/29/14			11/25/14				335
6	ACC	5/02/14	9/12/14	9/19/14	10/01/14								249
7	ACC	7/28/14		9/02/14	9/17/14								162
8	ACC	10/08/14	11/21/14		12/19/14								90
9	REDU	10/31/14				12/10/14							67
10	REIN	2/19/14	10/01/14			2/21/14	3/07/14			4/18/14	4/18/14		58
11	ACC	12/17/14											20

ACC = Accusation

REDU = Reduction of Terms and Conditions of Probation (Petition Filed by Subject)

REIN = Reinstatement (Petition Filed by Subject)

Note:

Case 2: Matter is set for trial 5/13/15

Case 5: Decision and Order effective 2/27/15

Case 10: Decision and Order effective 1/02/15

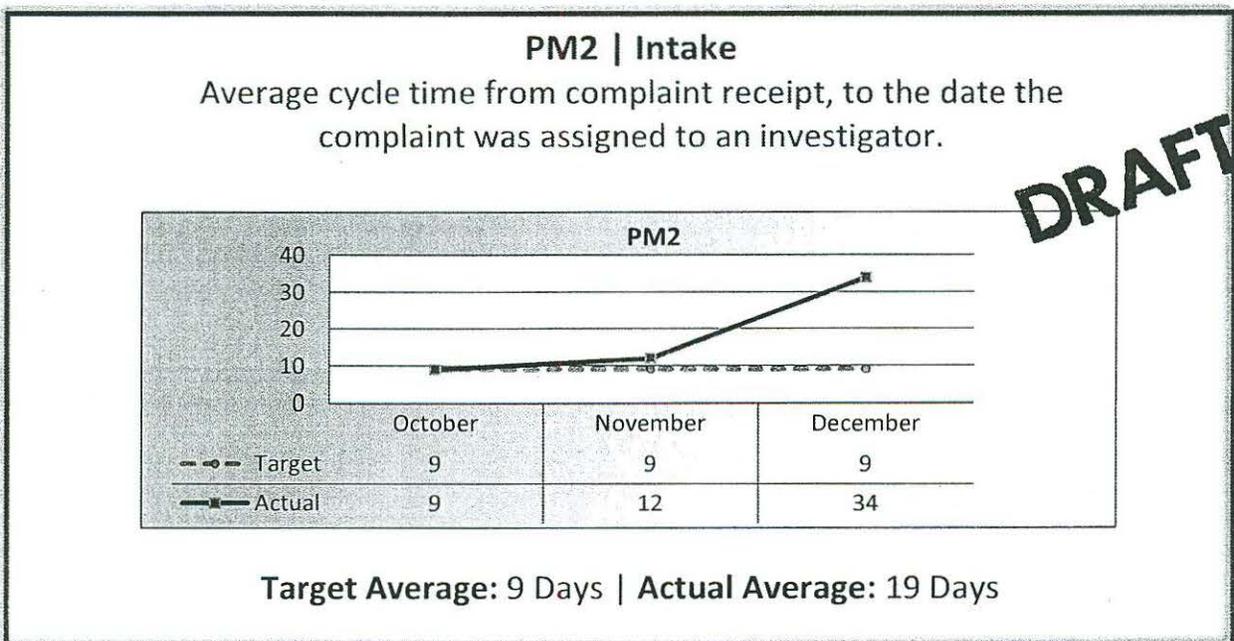
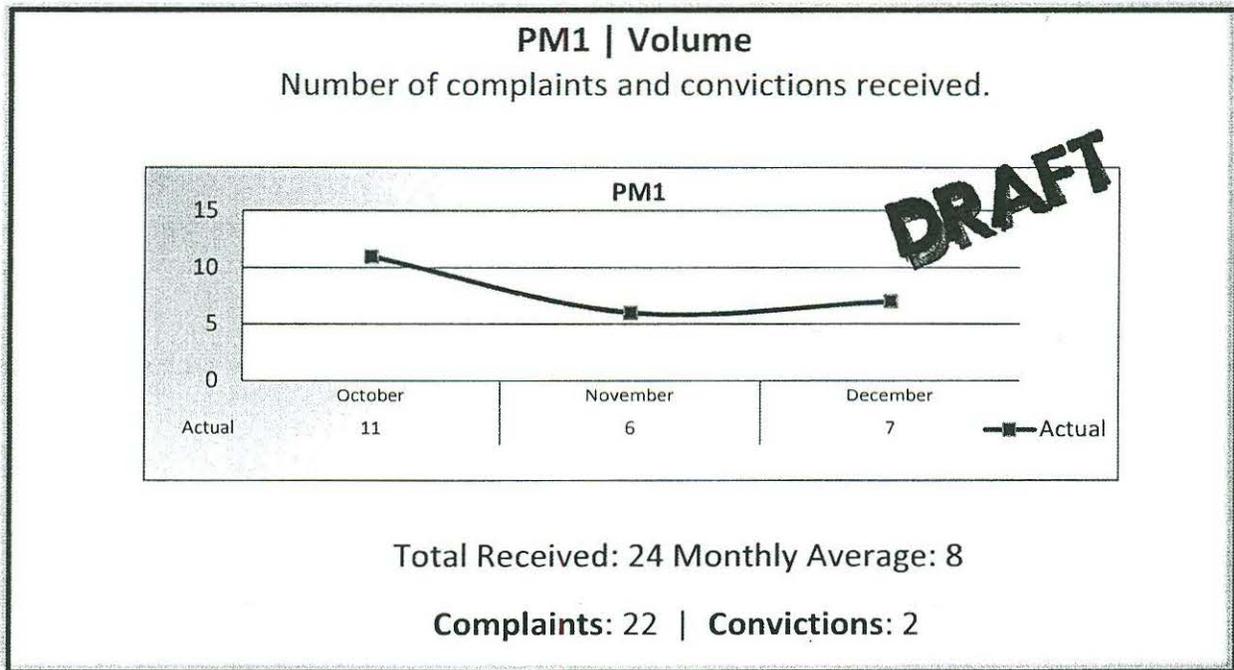
Department of Consumer Affairs
 Board of Podiatric
 Medicine

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Performance Measures

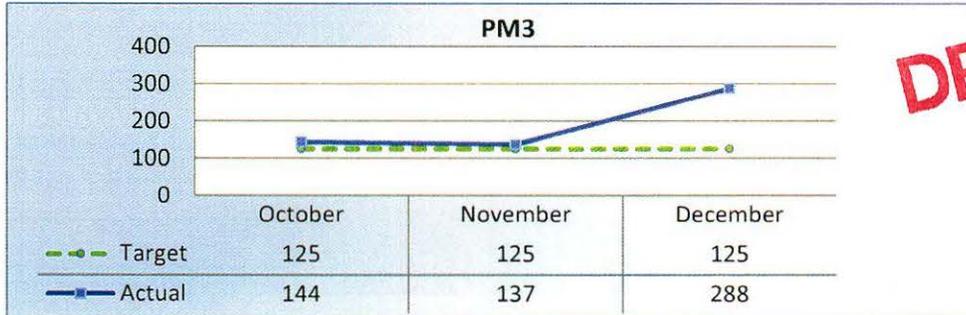
Q2 Report (October - December 2014)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



PM3 | Intake & Investigation

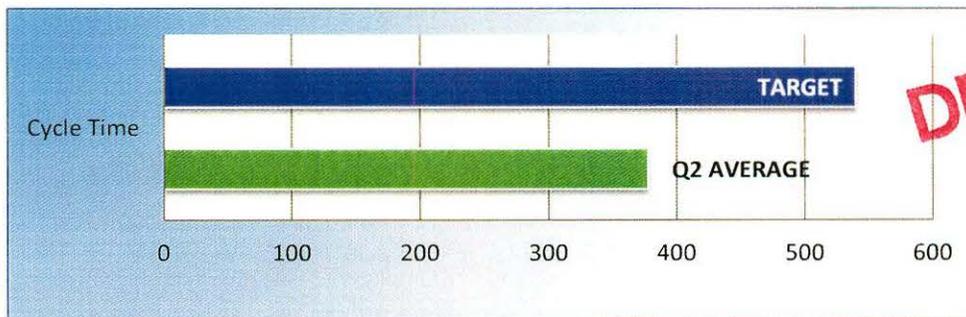
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 125 Days | Actual Average: 174 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | Actual Average: 378 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

*The Board did not contact any new probationers
this quarter.*

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Target Average: 25 Days | Actual Average: N/A

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

*The Board did not report any new probation
violations this quarter.*

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Target Average: 14 Days | Actual Average: N/A



ATTACHMENT F

