



**ENFORCEMENT COMMITTEE
MAY 20, 2015**

SUBJECT: ENFORCEMENT PROGRAM REPORT

ACTION: RECEIVE AND FILE STATUS REPORT

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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 February 18, 2015 and covers the period from January 2015 through March 2015 for end of quarter purposes.

DISCUSSION

A. Current Enforcement Statistics

Enforcement reports have been reconfigured to provide a "current capture" of quarterly data 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.

Some staffing changes occurred within the Medical Board of California (MBC) with the individuals assigned for processing complaints and discipline cases per the shared services agreement with BPM. Effective April 1, 2015 Ian McGlone who handled complaint and discipline processing for BPM was approved for a leave of absence. Before his departure, Mr. McGlone worked directly with his replacement, Mr. Marco Armas to familiarize him with the complaint desk duties to ensure that complaints are processed properly and to the level of service necessary to maintain established performance standards. Marco Armas previously served in the Consumer Complaint Unit (CCU) and is well versed in departmental practice and procedure. Additionally, the handling of BPM disciplinary matters has been assigned to Kristy Voong in the Discipline Coordination Unit (DCU). Ms. Voong is already familiar with the processing of disciplinary matters. Management over both CCU and DCU Units remains the same and the quality and competency standard is expected to continue without change.

1) **Complaint Data**

The report shows no statistically significant changes in Third Quarter data over the prior year's Third Quarter data aside from the average number of days to assign a complaint arising from an arrest to investigation. **(Attachment A – Enforcement Statistics – Complaint Data)**.

2) **Investigation Data**

The report shows no statistically significant changes in Third Quarter data over the prior year's Third Quarter data. For this quarter there is a greater number of case closures over the prior year in addition to a noted decline in the average number of days to complete field investigations. **(Attachment B – Enforcement Statistics – Investigation Data)**.

3) **Disciplinary Data**

Due to the small number of disciplinary cases each year, statistics are a bit more difficult to measure. Some cases are resolved very quickly and some span years depending on the complexity of the investigation, legal delays, lack of cooperation from the subject DPM, etc. **(Attachment C – Enforcement Data – Disciplinary Data)**.

Attorney General Case Aging Data is currently not functioning properly or reportable in BreEZe and is not included in the Disciplinary Data report at this time. A Reports User Group task force assembled of representatives of all of the BreEZe Release One Boards and Bureaus and BreEZe staff meet monthly to discuss BreEZe report issues and help facilitate changes in priority order.

4) **Enforcement Statistics – Fiscal Year to Date Totals**

This report shows the current Fiscal Year (FY) to date covering three quarters of FY 2014-2015. This period is compared over the last FY (FY 2013-2014) for the same period. While complaint, investigation and discipline activity have all shown a slight increase from the prior year, the data also shows a significant increase in investigation closures. **(Attachment D – Enforcement Statistics – Fiscal Year to Date Totals)**.

5) **Attorney General Case Aging Data**

Until BreEZe reporting issues can be resolved, Attorney General case aging data is being provided in a separate report based on reports received directly from the Attorney General's Office. **(Attachment E – Enforcement Statistics – Attorney General Case Aging Data)**. Staff is aware that some additional data is not received through the Attorney General report and this is notated below the table with references to the applicable cases.

6) DCA Performance Measures

Given continued Breeze reporting difficulties, all Breeze Release 1 Boards (including BPM) have determined not to report Performance Measure numbers to DCA. Accordingly, said data will not be displayed to the public until all accuracy reporting issues in Breeze are corrected. To address this problem, new activity codes are being created to obtain more accurate data covering investigation and discipline cycle times. Once this report has been thoroughly tested, is in production and working all Release 1 Boards will recheck the Performance Measure statistics reported since the Breeze system launched and make any corrections as necessary. It is estimated that this report will be in production in late May 2015.

B. Probation/Cost Recovery Recoupment Status Update

\$14,326.88 has been collected in cost recovery and probation monitoring costs during the 2014-2015 Fiscal Year third quarter beginning January 1, 2015 and ending March 31, 2015. This is a higher than average third quarter due to a lump sum payment for cost recovery made by a new probationer. The first and second quarters are generally the highest collection months as probation monitoring yearly billings go out around the middle of the first quarter.

C. Consultant Training Update

Consultant training will be held in Anaheim on Friday, June 26, 2015 in conjunction with the Western Foot and Ankle Conference. Staff are planning to video record this year's training with the assistance of DCA support staff so it can be used to help develop a webinar training for future use.

D. Consultant Recruitment

Staff has determined that BPM will have need to recruit and select one or two candidates for consultant positions located in or near the Bay Area to serve the Board. Staff is exploring targeted recruitment options such as including information on becoming a consultant or expert in the planned upcoming BPM Newsletter and possible advertising options through CPMA.

Separately, staff is developing an optional and voluntary Equal Employment Opportunity survey for the current panel of experts and consultants in order to evaluate current demographic groups under service with BPM. Questions on a voluntary survey may ask respondent's date of birth, gender and ethnicity and the information may later be used to assist BPM in tracking diversity patterns and determine where the agency may desire to seek out underutilized minorities and women to add to the pool in targeted recruitment efforts.

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

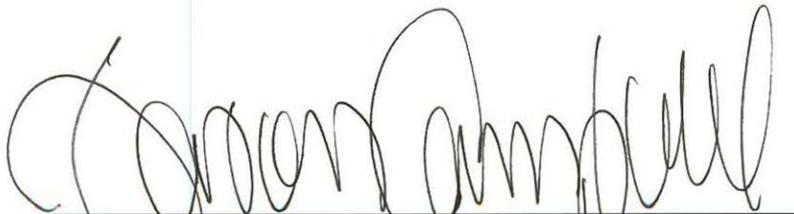
- A. Enforcement Statistics - Complaint Data
- B. Enforcement Statistics - Investigation Data
- C. Enforcement Statistics - Disciplinary Data
- D. Enforcement Statistics – Fiscal Year to Date Totals
- E. Enforcement Statistics - Attorney General Case Aging Data

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For

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Board of Podiatric Medicine
Enforcement Statistics – Complaint Data
Quarter 3 Report (January – March 2015)

Complaint Intake

	15-Jan	15-Feb	15-Mar		QTR 3 Total	QTR over last	+/- %
Received	3	14	23		40	31	+25%
Assigned for investigation	1	11	16		28	28	0%
Average days to close or assign (Target = 9 Days)	22	9	12		11	11	0%
Pending							

Complaint Intake - Convictions/Arrests Reports

	15-Jan	15-Feb	15-Mar		QTR 3 Total	QTR over last	+/- %
Received	0	2	0		2	6	-100%
Assigned for investigation	0	0	2		2	6	-100%
Average days to close or assign (Target = 9 Days)	0	0	28		28	5	+139%
Pending	0	2	0				

Total Complaint Intake

	15-Jan	15-Feb	15-Mar		QTR 3 Total	QTR over last	+/- %
Received	3	16	23		42	37	+13%
Assigned for investigation	1	11	18		30	34	+12%
Average days to close or assign (Target = 9 days)	22	9	13		12	10	+18%
Pending	2	8	11				

Board of Podiatric Medicine
Enforcement Statistics – Investigation Data
Quarter 3 Report (January – March 2015)

Desk Investigations

	15-Jan	15-Feb	15-Mar		QTR 3 Total	QTR over last	+/- %
Investigations Assigned	1	11	19		31	34	-9%
Investigations Completed	10	17	41		68	51	+29%
Avg Days to Complete Investigations	78	98	56		70	73	-4%
Investigations Pending	30	30	45				

Field Investigations

	15-Jan	15-Feb	15-Mar		QTR 3 Total	QTR over last	+/- %
Investigations Assigned	1	1	3		5	5	0%
Investigations Completed	3	3	2		8	6	+29%
Avg Days to Complete Investigations	459	261	255		334	526	-45%
Investigations Pending	26	25	26				

Total (Case??) Investigations

	15-Jan	15-Feb	15-Mar		QTR 3 Total	QTR over last	+/- %
Investigations Assigned	2	11	18		31	35	-12%
Investigations Completed	10	12	4		26	15	+54%
Avg Days to Complete Investigations (Target = 125 Days)	248	175	156		200	178	+12%
Investigations Pending	87	86	100				

Board of Podiatric Medicine
Enforcement Statistics – Investigation Data
Quarter 3 Report (January – March 2015)

Investigations Aging

	15-Jan	15-Feb	15-Mar		QTR 3 Total	QTR over last	+/- %
Up to 90 Days	6	4	2		12	7	+53%
91 to 180 Days	0	2	0		2	5	-86%
181 Days to 1 Year	1	5	1		7	1	+150%
1 to 2 Years	3	1	1		5	No data	n/a
2 to 3 Years	No data	No data	No data		No data	2	n/a

Investigations Completed Without Referral for Disciplinary Action

	15-Jan	15-Feb	15-Mar		QTR 3 Total	QTR over last	+/- %
Investigations Completed	8	7	1		16	12	+29%
Average Days to Complete Investigations	179	163	204		173	130	+28%

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Enforcement Statistics – Disciplinary Data
Quarter 3 Report (January - March 2015)

Attorney General Cases

	15-Jan	15-Feb	15-Mar		QTR 3 Total	QTR over last	+/- %
Cases Initiated	2	6	2		10	4	+86%
Cases Pending	9	12	13				
Accusations Withdrawn/Dismissed/Declined	0	0	0		0	0	0%
Closed Without Disciplinary Action	2	2	1		5	2	+86%
Statement of Issues/Accusations Filed	0	0	1		1	2	-67%
Final Orders - Decisions/Stipulations	1	1	0		2	1	+67%
Avg Days to Complete Final Orders (target = 540 Days)	840	1058	0		949	291	+106%

Attorney General Case Aging

	15-Jan	15-Feb	15-Mar		QTR 3 Total	QTR over last	+/- %
Data unavailable at this time through BreEze							

Other Legal Actions

	15-Jan	15-Feb	15-Mar		QTR 3 Total	QTR over last	+/- %
PC23 Order	0	0	1		1	0	+200%

Board of Podiatric Medicine
Enforcement Statistics – Disciplinary Data
Quarter 3 Report (January - March 2015)

Citations

	15-Jan	15-Feb	15-Mar	QTR 3 Total	QTR over last	+/- %
Final Citations	0	1	0	1	5	-133%
Average Days to Complete	0	325	0	325	608	-61%

Probation

	15-Jan	15-Feb	15-Mar	End of QTR 3
Number of Active Probationers	15	16	15	15
Number of Tolled Probationers	7	7	7	7
Probation Cases Initiated (New Probationers)	1	1	0	2
Probation Cases Closed (Probation Completions)	0	0	1	1
Probation Violations Submitted to the AG	0	0	1	1

Board of Podiatric Medicine
Enforcement Statistics – Fiscal Year to Date Totals
Quarters 1-3 Report (July 2014 - March 2015)

Total Complaint Intake

	FY 14/15 QTR 1	FY 14/15 QTR 2	FY 14/15 QTR 3	FY 14/15 QTR 1-3 Total	FY 13/14 QTR 1-3 over last	+/- %
Received	38	24	42	104	87	+18%
Assigned for investigation	35	27	30	92	82	+11%
Average days to close or assign (Target = 9 days)	10	19	11	13	10	+26%

Total Investigations

	FY 14/15 QTR 1	FY 14/15 QTR 2	FY 14/15 QTR 3	FY 14/15 QTR 1-3 Total	FY 13/14 QTR 1-3 over last	+/- %
Investigations Assigned	37	27	31	95	85	+11%
Investigations Completed	24	39	26	89	54	+49%
Avg Days to Complete Investigations (Target = 125 Days)	246	168	200	201	189	+6%

Attorney General Cases

	FY 14/15 QTR 1	FY 14/15 QTR 2	FY 14/15 QTR 3	FY 14/15 QTR 1-3 Total	FY 13/14 QTR 1-3 over last	+/- %
Cases Initiated	4	4	10	18	10	+57%
Accusations Withdrawn/Dismissed/Declined	0	0	0	0	0	n/a
Closed Without Disciplinary Action	1	2	5	8	5	+46%
Statement of Issues/Accusations Filed	3	1	1	5	5	0%
Final Orders - Decisions/Stipulations	0	1	2	3	4	-29%
Avg Days to Complete Final Orders (target = 540 Days)	0	94	949	664	772	-15%

Board of Podiatric Medicine
Enforcement Statistics – Fiscal Year to Date Totals
Quarters 1-3 Report (July 2014 - March 2015)

Other Legal Actions

	FY 14/15 QTR 1	FY 14/15 QTR 2	FY 14/15 QTR 3	FY 14/15 QTR 1-3 Total	FY 13/14 QTR 1-3 over last	+/- %
PC23 Order	0	0	1	1	0	+200%
Interim Suspension Order	1	0	0	1	0	+200%

Citations

	FY 14/15 QTR 1	FY 14/15 QTR 2	FY 14/15 QTR 3	FY 14/15 QTR 1-3 Total	FY 13/14 QTR 1-3 over last	+/- %
Final Citations	1	1	1	3	5	-50%
Average Days to Complete	513	317	325	385	608	-45%

Board of Podiatric Medicine
Enforcement Statistics – Attorney General Case Aging Data
As of March 31, 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	11/16/12	1/16/14	1/22/14	10/20/14	9/16/14	9/25/14						865
2	ACC	9/18//13	4/18/14	4/25/14	5/12/14	5/20/14	6/10/14						559
3	ACC	12/11/13	2/21/14	3/05/14	3/20/14								475
4	ACC	2/05/14	5/16/14	5/30/14	6/20/14	9/29/14			11/25/14			1/28/15	310
5	ACC	5/02/14	9/12/14	9/19/14	10/01/14				2/23/15		2/26/15		300
6	ACC	7/28/14		9/02/14	9/17/14		10/21/14						246
7	ACC	10/08/14	11/21/14		12/19/14								174
8	REDU	10/31/14				12/10/14	1/06/15						151
9	ACC	12/17/14	3/20/15	3/24/15									104
10	ACC	1/27/15											63
11	REIN	2/19/14	10/1/14			2/21/14	3/07/14			4/18/14	4/18/14	12/03/14	58
12	ACC	2/20/15											39
13	ACC							3/16/15					0
14	REVO		3/19/15										0
15	REVO												0

ACC = Accusation

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

REIN = Reinstatement (Petition Filed by Subject)

REVO = Petition to Revoke Probation

Note:

Case 1: Originally set for trial 5/13/15, trial rescheduled to 10/05/15 due to schedule conflict with respondent's attorney

Case 2: Set for hearing 7/07/15

Case 5: License surrender effective 4/29/15

Case 8: Set for hearing 6/30/15

Case 13: Case rejected by AG