



ENFORCEMENT COMMITTEE
August 19, 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 May 20, 2015, and covers the period from April 2015 through June 2015 for end of quarter purposes. Included in this report are year over year statistics from Fiscal Year 04/05 through 14/15.

DISCUSSION

A. Current Enforcement Statistics

Enforcement reports 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.

We preface commentary on reported statistics with a preliminary disclosure regarding case aging summaries. Due to a number of accuracy concerns with current reporting capabilities as presently configured in the software, a number of metrics are unavailable. BPM staff, in collaboration with other Release 1 boards, including BreEZe maintenance engineers and the Medical Board, are currently testing reporting accuracy fixes daily. As a consequence, many built in report configurations have been discontinued and are unavailable until such time as they may be corrected. Where possible, staff has made an effort to provide the data notwithstanding, but cannot guarantee the figures reflect 100% accuracy.

1) Complaint Data

Fourth Quarter complaint data over the prior year's Fourth Quarter data is provided for review. (**Attachment A – Enforcement Statistics – Complaint Data**).

2) Investigation Data

While a greater number of desk investigations assigned and completed this quarter over the prior year may be noted, the report shows no statistically significant changes in Fourth Quarter data over the prior year's Fourth Quarter data. Although Case Investigations Aging was previously reported, the report is currently unavailable due to inaccurate reporting capabilities in BreEZe. New reporting configurations for same are presently being reviewed and tested.

What is currently reported under average days to complete investigations is what we have available although the numbers may not reflect 100% accuracy. **(Attachment B – Enforcement Statistics – Investigation Data).**

3) Disciplinary Data

Case times vary due to differences in case complexity, amount of 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 therefore 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 all four 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.

Cases submitted to the AG have doubled over the prior year and Citations and Fines have been completed in approximately half the time as the prior year. Citation and Fine time is calculated from the date the investigation is opened until the citation is issued. **(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 provided based on reports received directly from the Attorney General's Office in a separate report. **(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) Complaint and Disciplinary Data

This report shows a year over year comparison of complaint and disciplinary data from Fiscal Year 2004/2005 through Fiscal Year 2014/2015. **(Attachment F – Enforcement Statistics – Complaint and Disciplinary Data)**

7) DCA Performance Measures

Quarter three and Quarter four data for Fiscal Year 14/15 is not yet being released to the public and is still being checked for accuracy. Therefore it is not being included at this time.

B. Probation/Cost Recovery Recoupment Status Update

\$3,859.00 has been collected in cost recovery and probation monitoring costs during the 2014-2015 Fiscal Year fourth quarter beginning April 1, 2015 and ending June 30, 2015. This is a lower than average fourth quarter although the third and fourth quarters have historically netted smaller totals than the first two quarters of the year. The first and second quarters are generally the highest collection months as yearly probation monitoring billings go out around the middle of the first quarter of the new fiscal year. Three Revocations of Probation were filed in 2015 as a result of probationer non-compliance.

C. Consultant Training Update

Consultant training was successfully held in Anaheim on Friday, June 26, 2015 in conjunction with the Western Foot and Ankle Conference. Eight of the twelve current BPM consultants were in attendance and the four who were not present have previously completed required training within the last four years. Accordingly, all BPM retained consultants are in 100% compliance with Board Policy.

Additionally, this year's consultant training was video recorded with the intention to use the raw material for development of webinar training for remote use in the future.

D. EEO Survey

An optional and voluntary Equal Employment Opportunity survey was developed and distributed to the current panel of experts and consultants in order to evaluate current demographic groups under service with BPM. Survey questions included inquiries into date of birth, gender and ethnicity. The solicited data is intended to 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. Responses are presently being collected for analysis and data will be provided when complete.

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.

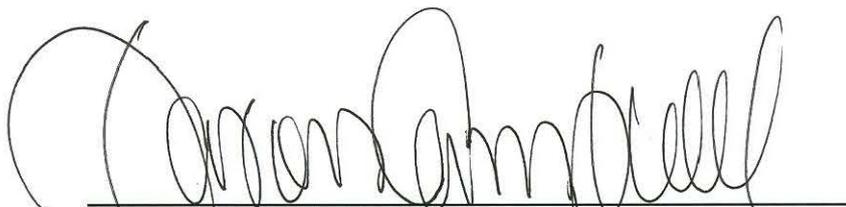
ATTACHMENTS

- 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
- F. Enforcement Statistics – Complaint and Disciplinary Data
- G. BPM Quarterly Timeline

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Board of Podiatric Medicine
Enforcement Statistics – Complaint Data
Quarter 4 Report (April – June 2015)

Complaint Intake

	15-Apr	15-May	15-Jun		QTR 4 Total	QTR over last	+/- %
Received	16	7	18		41	40	+2%
Assigned for investigation	21	11	17		49	28	+54%
Average days to close or assign (Target = 9 Days)	14	9	8		11	11	0%
Pending	7	3	4				

Complaint Intake - Convictions/Arrests Reports

	15-Apr	15-May	15-Jun		QTR 4 Total	QTR over last	+/- %
Received	1	2	2		5	2	+86%
Assigned for investigation	0	3	1		4	2	+67%
Average days to close or assign (Target = 9 Days)	0	23	4		18	28	-43%
Pending	0	0	1				

Total Complaint Intake

	15-Apr	15-May	15-Jun		QTR 4 Total	QTR over last	+/- %
Received	17	9	20		46	42	+9%
Assigned for investigation	21	14	18		53	30	+55%
Average days to close or assign (Target = 9 days)	14	12	8		11	12	-9%
Pending	7	3	5				

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Enforcement Statistics – Investigation Data
Quarter 4 Report (April – June 2015)

Desk Investigations

	15-Apr	15-May	15-Jun		QTR 4 Total	QTR over last	+/- %
Investigations Assigned	21	14	18		53	31	+52%
Investigations Completed	33	27	22		82	68	+19%
Avg Days to Complete Investigations	55	124	47		76	70	+8%
Investigations Pending	59	72	79				

Field Investigations

	15-Apr	15-May	15-Jun		QTR 4 Total	QTR over last	+/- %
Investigations Assigned	0	2	3		5	5	0%
Investigations Completed	4	0	1		5	8	-46%
Avg Days to Complete Investigations	334	0	205		308	334	-8%
Investigations Pending	23	25	27				

Case Investigations

	15-Apr	15-May	15-Jun		QTR 4 Total	QTR over last	+/- %
Investigations Assigned	23	14	18		55	31	+56%
Investigations Completed	15	2	5		22	26	-17%
Avg Days to Complete Investigations (Target = 125 Days)	203	261	215		211	200	+5%
Investigations Pending	109	121	134				

Board of Podiatric Medicine
Enforcement Statistics – Investigation Data
Quarter 4 Report (April – June 2015)

Case Investigations Aging

	15-Apr	15-May	15-Jun		QTR 4 Total	QTR over last	+/- %
Data unavailable at this time through BreEZe							

Investigations Completed Without Referral for Disciplinary Action

	15-Apr	15-May	15-Jun		QTR 4 Total	QTR over last	+/- %
Investigations Completed	12	2	4		18	16	+12%
Average Days to Complete Investigations	163	261	269		197	173	+13%

Board of Podiatric Medicine
Enforcement Statistics – Disciplinary Data
Quarter 4 Report (April - June 2015)

Attorney General Cases

	15-Apr	15-May	15-Jun	QTR 4 Total	QTR over last	+/- %
Cases Initiated	0	0	2	2	10	-133%
Cases Pending	13	13	13			
Accusations Withdrawn/Dismissed/Declined	0	1	0	1	0	0%
Closed Without Disciplinary Action	0	0	1	1	5	-133%
Statement of Issues/Accusations Filed	1	0	1	2	1	+67%
Final Orders - Decisions/Stipulations	1	0	1	2	2	0%
Avg Days to Complete Final Orders (target = 540 Days)	731	0	1103	917	949	-3%

Attorney General Case Aging

	15-Apr	15-May	15-Jun	QTR 4 Total	QTR over last	+/- %
Data unavailable at this time through BreZE						

Other Legal Actions

	15-Apr	15-May	15-Jun	QTR 4 Total	QTR over last	+/- %
No data in BreZE for this period	0	0	0	0	1	-200%

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Enforcement Statistics – Disciplinary Data
Quarter 4 Report (April - June 2015)

Citations

	15-Apr	15-May	15-Jun		QTR 4 Total	QTR over last	+/- %
Final Citations	0	0	2		2	1	+67%
Average Days to Complete	0	0	309		309	325	-5%

Probation

	15-Apr	15-May	15-Jun		End of QTR 4
Number of Active Probationers	15	15	15		15
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	1	0	0		1

Board of Podiatric Medicine
Enforcement Statistics – Fiscal Year to Date Totals
Quarters 1-4 Report (July 2014 - June 2015)

Total Complaint Intake (includes complaint intake and conviction/arrest notification complaints)

	FY 14/15 QTR 1	FY 14/15 QTR 2	FY 14/15 QTR 3	FY 14/15 QTR 4	FY 14/15 QTR 1-4 Total	FY 13/14 QTR 1-4 over last	+/- %
Received	38	24	42	46	150	123	+20%
Assigned for investigation	35	27	30	53	145	123	+16%
Average days to close or assign (Target = 9 days)	10	19	11	11	13	11	+17%

Total Case Investigations

	FY 14/15 QTR 1	FY 14/15 QTR 2	FY 14/15 QTR 3	FY 14/15 QTR 4	FY 14/15 QTR 1-4 Total	FY 13/14 QTR 1-4 over last	+/- %
Investigations Assigned	37	27	31	55	150	123	+20%
Investigations Completed	24	39	26	22	111	86	+25%
Avg Days to Complete Investigations (Target = 125 Days)	246	168	200	211	206	177	+15%

Board of Podiatric Medicine
Enforcement Statistics – Fiscal Year to Date Totals
Quarters 1-4 Report (July 2014 - June 2015)

Attorney General Cases

	FY 14/15 QTR 1	FY 14/15 QTR 2	FY 14/15 QTR 3	FY 14/15 QTR 4	FY 14/15 QTR 1-4 Total	FY 13/14 QTR 1-4 over last	+/- %
Cases Initiated	4	4	10	2	20	10	+67%
Accusations Withdrawn/Dismissed/Declined	0	0	0	1	1	0	+200%
Closed Without Disciplinary Action	1	2	5	1	9	5	+57%
Statement of Issues/Accusations Filed	3	1	1	2	7	7	0%
Final Orders - Decisions/Stipulations	0	1	2	2	5	6	-18%
Avg Days to Complete Final Orders (target = 540 Days)	0	94	949	917	619	690	-11%

Other Legal Actions

	FY 14/15 QTR 1	FY 14/15 QTR 2	FY 14/15 QTR 3	FY 14/15 QTR 4	FY 14/15 QTR 1-4 Total	FY 13/14 QTR 1-4 over last	+/- %
PC23 Order	0	0	1	0	1	0	+200%
Interim Suspension Order	1	0	0	0	1	1	0%

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Enforcement Statistics – Fiscal Year to Date Totals
Quarters 1-4 Report (July 2014 - June 2015)

Citations

	FY 14/15 QTR 1	FY 14/15 QTR 2	FY 14/15 QTR 3	FY 14/15 QTR 4	FY 14/15 QTR 1-4 Total	FY 13/14 QTR 1-4 over last	+/- %
Final Citations	1	1	1	2	5	5	0%
Average Days to Complete	513	317	325	309	354	612	-53%

Board of Podiatric Medicine
Enforcement Statistics – Attorney General Case Aging Data
As of July 1, 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	4/09/15						957
2	ACC	9/18/13	4/18/14	4/25/14	5/12/14	5/20/14	6/10/14			4/13/15			651
3	ACC	12/11/13	2/21/14	3/05/14	3/20/14				4/20/15		4/29/15	6/11/15	504
4	ACC	7/28/14	8/22/14	9/02/14	9/17/14	10/20/14	10/21/14			9/29/15			338
5	ACC	10/08/14	11/21/14	12/04/14	12/19/14								266
6	REDU	10/31/14				12/10/14	1/06/15						243
7	ACC	12/17/14	3/20/15	3/24/15	4/06/15								196
8	ACC	1/27/15											155
9	ACC	2/20/15	5/22/15										131
10	REVO	3/13/15	3/19/15	3/23/15									110
11	REVO	4/16/15	4/22/15	4/30/15	5/13/15		6/03/15						76

ACC = Accusation

REDU = Reduction of Terms and Conditions of Probation (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 new hearing date 7/07/15

Case 6: This case was set for hearing 6/30/15 but the hearing was cancelled and the Petition for Penalty Relief is being withdrawn

ENFORCEMENT STATISTICS - COMPLAINT & DISCIPLINARY DATA

FY 14/15 July 1, 2014 - June 30, 2015

Fiscal Year	04/05	05/06	06/07	07/08	08/09	09/10	10/11	11/12	12/13	13/14	14/15
Numbers of Licensees*:	2016	2052	2045	2056	2055	2072	2086	2105	2120	2166	2136
Complaints Received**:	147	109	116	104	108	127	90	124	122	123	150
Open Cases: 97											
Discipline Cases Pending at Attorney General: 10											
Licensees on Probation: 15											
Citations and Fines	1	4	1	0	4	4	0	0	2	5	5
Cease/desist Letters***	10	5	6	4	5	2	0	0	0	0	0
Referred to Attorney General	12	12	13	9	6	9	11	4	7	10	20
Accusations/Petitions to Revoke Probation/SOI	9	7	12	8	4	8	8	5	2	7	7
Penalty Relief Petitions Filed	1	0	1	1	1	2	1	1	2	1	
Hearings****	4	2	2	5	2	2	2	1	0	2	1
Prop. Dec. Non-adopted	0	1	0	0	0	0	0	0	0	0	1
Prop. Dec. Adopted	2	1	2	1	2	2	1	0	1	1	1
Stipulations Adopted	6	6	9	5	8	5	2	7	4	3	4
Probations	4	4	9	5	6	5	2	5	3	4	3
Suspensions	1	0	1	2	1	1	0	0	0	2	1
Revocations	1	2	0	1	2	1	0	0	1	1	0
Surrenders During Prosecution	1	2	0	0	0	1	1	1	0	1	2
Public Letter of Reprimand	0	0	0	0	0	0	1	1	0	0	0
Other	1	0	2	1	1	1	0	0	2	1	2
Criminal arrests/convictions	0/0	0/0	1/0	0/0	0/1	0/0	0/0	0/0	2/1	0/0	2/0
Temporary Restraining Orders/Interim Suspensions/Automatic Suspensions/PC-23 Orders	1	0	2	1	1	1	0	0	2	1	2

* includes all E & EFE licensees with a status code 20 (Active)

** includes multiple complaints against individual licensees

*** cease and desist letters were discontinued in 2010

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

BPM QUARTERLY TIMELINE

