



CALIFORNIA BOARD OF PODIATRIC MEDICINE
November 13, 2015

SUBJECT: ENFORCEMENT PROGRAM REPORT

ACTION: RECEIVE AND FILE STATUS REPORT

6

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 October 21, 2015, and covers the period from July 2015 through September 2015 for end of quarter purposes.

DISCUSSION

1. 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.

Julie Brown has been hired at MBC to handle BPM's complaint processing and desk investigations. She is currently in training with Marco Armas who temporarily had the assignment until the full-time position could be filled that was previously held by Ian McGlone.

Case aging summaries are now available and included in the reports. Going forward comparisons can be made to prior quarters, although only FY 15-16 First Quarter data is currently reported on.

A. Complaint Data

First Quarter complaint data over the prior year's First Quarter data is provided for review. While the number of days to close or assign a complaint has not been exactly within DCA performance targets recently as a result of some case backlog due to MBC staff changes and shortages, MBC Staff is now tackling the backlog with the hire of Julie Brown. Additionally, new reporting procedures have been initiated between BPM and MBC to assist in improved tracking and case

management to better meet Performance Measure targets. **(Attachment A – Enforcement Statistics – Complaint Data).**

B. Investigation Data

An increase in desk investigations may be noted. We believe this stems from a recent minor increase in complaints. There is currently a high number of pending desk investigations at MBC. These are now in the process of being addressed by MBC staff. The average number of days for completing all investigations appears to be on a downward trend and moving closer to the Performance Measure target of 125 days. **(Attachment B – Enforcement Statistics – Investigation Data).**

C. Disciplinary Data

Case times vary due to differences in case complexity, number of legal delays, lack of cooperation from the subject DPM, and so on and so forth. One Final Order was processed during the First Quarter of Fiscal year (FY) 15-16 which took 205 days. This is a 78% decrease in the average amount of processing time for cases in FY 14-15 Fourth Quarter. The single case closure stemmed from a prior discipline case that was less complex in nature. Cases stemming from original complaints that proceed through extensive investigation and legal proceedings generally take longer to complete.

One citation was issued during the first quarter of FY 15-16, compared to two in the fourth quarter of FY 14-15. The report shows a large statistical difference in completion time. The reason for the expedient closure was a direct result of the nature of the citation. The citation issued FY 15-16 first quarter was related to an existing probationer rather than from a complaint investigation process that generally requires a lengthy time to complete. **(Attachment C – Enforcement Data – Disciplinary Data).**

D. Enforcement Statistics – Fiscal Year to Date Totals

This report shows the current Fiscal Year (FY) to date covering the first quarter of FY 2015-2016. This period is compared over the last FY (FY 2014-2015) for the same period.

While this report appears to indicate large statistical differences compared to the first quarter of the 14-15 FY, we are working with small numbers of cases and minor change from 2 to 1 or 3 to 1 can cause large percentage differences as was briefly noted above under Disciplinary Data.

As the year progresses, a better overall picture for the year over year comparison will develop. **(Attachment D – Enforcement Statistics – Fiscal Year to Date Totals).**

E. Attorney General Case Aging Data

BreEZe reporting issues have been resolved but Attorney General case aging data based on reports received directly from the Attorney General's Office will continue to be provided. The BreEZe system provides data for cases that have closed and the report from the AG shows the aging for cases currently in process. **(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.

F. DCA Performance Measures

Quarter three and Quarter four data for Fiscal Year 14/15, and Quarter one data for Fiscal Year 15/16 is in the process of development and accuracy verification. Therefore, there is nothing to report at this time.

2. Probation/Cost Recovery Recoupment Status Update

\$24,138.74 has been collected in cost recovery and probation monitoring costs during the 2015-2016 Fiscal Year first quarter beginning July 1, 2015 and ending September 30, 2015. This is consistent with prior years first quarter collections as yearly Probation Monitoring billing statements are produced during this quarter and payments begin to arrive.

3. 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. Of the 43 individuals the survey was distributed to, 24 responded. The results of the survey are attached. **(Attachment F – EEO Consultant and Expert Panel Survey Results)**

The solicited data is intended to be used to assist BPM in tracking diversity patterns and determine where the agency may desire to seek out underutilized demographics in targeted recruitment efforts.

4. BreEZe Physician Verification Update

Consumer Reports Policy and Advocacy section had filed a petition urging the California Medical Board to require physicians currently on probation to affirmatively notify their patients regarding same. The Medical Board had publicly stated that it is incumbent on consumers to verify information regarding their physician's disciplinary records available to the public online. MBC is expected to hold a public hearing on the issue at its October 30th meeting in San Diego.

BPM's desire is for all Californians to be informed and our website resources are excellent tools available to all individuals that can be used to check the license status for all California licensed physicians.

Physician verification online can be accomplished by accessing the BreEZe database at the following web address:

<https://www.breeze.ca.gov/datamart/selSearchTypeCADCA.do?from=loginPage>

Additionally, the Board's policy is to permit the public the maximum possible access to information that is legally permissible. Accordingly, the board not only meets but in some instances exceeds DCA recommended minimum standards for complaint disclosure and is consistent with DCA Website Posting of Accusations and Disciplinary Actions.

Specifically contained in section 1399.704 of Podiatric Medicine Regulations, BPM complaint disclosure policy also includes disclosure of complaints that have been referred for legal action to the Attorney General prior to the filing of an accusation. This information is disclosed on BPM's website and also available by telephone through consumer contact with BPM.

<http://www.bpm.ca.gov/consqde/agreferrals.shtml>

The Board always provides the public with the following information disclosures regarding current and past licensees:

- Name of Licensee as appearing in Board records
- Address of record
- Podiatric Medical School name
- Year graduated
- License number and type
- License issue date and expiration
- License status
- Public record actions or disciplinary information

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.

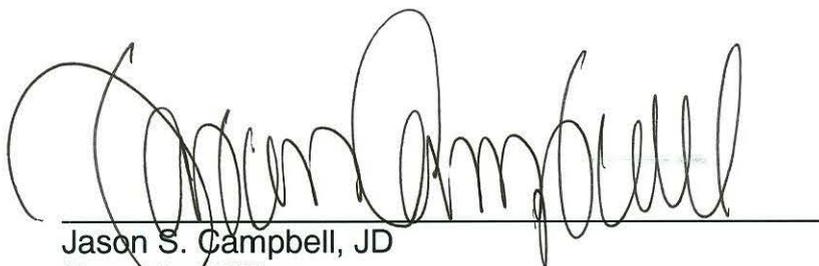
ATTACHMENTS

- 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. EEO Consultant and Expert Panel Survey Results
- G. BPM Quarterly Timeline

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BD for

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Enforcement Unit Coordinator



Jason S. Campbell, JD
Executive Officer

Board of Podiatric Medicine
Enforcement Statistics – Complaint Data
Quarter 1 Report (July – September 2015)

Complaint Intake

	15-Jul	15-Aug	15-Sep		QTR 1 Total	QTR over last	+/- %
Received	18	7	11		36	41	-12%
Assigned for investigation	16	11	14		41	49	-20%
Average days to close or assign (Target = 9 Days)	16	17	28		21	11	+91%
Pending	9	5	2				

Complaint Intake - Convictions/Arrests Reports

	15-Jul	15-Aug	15-Sep		QTR 1 Total	QTR over last	+/- %
Received	1	0	1		2	5	-60%
Assigned for investigation	2	0	1		3	4	-25%
Average days to close or assign (Target = 9 Days)	19	0	1		10	18	-44%
Pending	0	0	0				

Total Complaint Intake

	15-Jul	15-Aug	15-Sep		QTR 1 Total	QTR over last	+/- %
Received	19	7	12		38	46	-17%
Assigned for investigation	18	11	15		44	53	-17%
Average days to close or assign (Target = 9 days)	16	17	28		21	11	+91%
Pending	9	5	2				

Board of Podiatric Medicine
Enforcement Statistics – Investigation Data
Quarter 1 Report (July – September 2015)

Desk Investigations

	15-Jul	15-Aug	15-Sep		QTR 1 Total	QTR over last	+/- %
Investigations Assigned	33	16	27		76	53	+43%
Investigations Completed	22	16	19		57	82	-25%
Avg Days to Complete Investigations	34	88	59		60	76	-21%
Investigations Pending	92	92	97				

Field Investigations

	15-Jul	15-Aug	15-Sep		QTR 1 Total	QTR over last	+/- %
Investigations Assigned	0	1	1		2	5	-60%
Investigations Completed	1	1	0		2	5	-60%
Avg Days to Complete Investigations	146	250	0		198	308	-36%
Investigations Pending	24	24	25				

Case Investigations

	15-Jul	15-Aug	15-Sep		QTR 1 Total	QTR over last	+/- %
Investigations Assigned	18	11	15		44	55	-20%
Investigations Completed	8	9	7		24	22	+9%
Avg Days to Complete Investigations (Target = 125 Days)	133	181	152		155	211	-27%
Investigations Pending	142	144	149				

Board of Podiatric Medicine
Enforcement Statistics – Investigation Data
Quarter 1 Report (July – September 2015)

Case Investigations Aging

	15-Jul	15-Aug	15-Sep		QTR 1 Total	QTR over last	+/- %
Up to 90 Days	3	2	3		8	n/a	n/a
91 to 180 Days	3	4	2		9	n/a	n/a
181 Days to 1 Year	1	2	1		4	n/a	n/a
1 to 2 Years	1	1	1		3	n/a	n/a

Investigations Completed Without Referral for Disciplinary Action

	15-Jul	15-Aug	15-Sep		QTR 1 Total	QTR over last	+/- %
Investigations Completed	8	8	7		23	18	+28%
Average Days to Complete Investigations	133	146	152		144	197	-27%

Board of Podiatric Medicine
Enforcement Statistics – Disciplinary Data
Quarter 1 Report (July - September 2015)

Attorney General Cases

	15-Jul	15-Aug	15-Sep	QTR 1 Total	QTR over last	+/- %
Cases Initiated	0	1	0	1	2	-100%
Cases Pending	10	11	10			
Accusations Withdrawn/Dismissed/Declined	0	0	0	1	1	0%
Closed Without Disciplinary Action	1	0	0	1	1	0%
Statement of Issues/Accusations Filed	1	0	0	1	2	-100%
Final Orders - Decisions/Stipulations	0	0	1	1	2	-100%
Avg Days to Complete Final Orders (target = 540 Days)	0	0	205	205	917	-78%

Attorney General Case Aging

	15-Jul	15-Aug	15-Sep	QTR 1 Total	QTR over last	+/- %
Up to 90 Days	0	0	0	0	n/a	n/a
91 to 180 Days	0	0	0	0	n/a	n/a
181 Days to 1 Year	1	0	1	2	n/a	n/a
1 to 2 Years	0	0	0	0	n/a	n/a

Other Legal Actions

	15-Jul	15-Aug	15-Sep	QTR 4 Total	QTR over last	+/- %
No data in BreEZe for this period	0	0	0	0	0	n/a

Board of Podiatric Medicine
Enforcement Statistics – Disciplinary Data
Quarter 1 Report (July - September 2015)

Citations

	15-Jul	15-Aug	15-Sep		QTR 1 Total	QTR over last	+/- %
Final Citations	0	0	1		1	2	-100%
Average Days to Complete	0	0	1		1	309	-30800%

Probation

	15-Jul	15-Aug	15-Sep	End of QTR 1
Number of Active Probationers	15	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)	1	0	0	1
Probation Violations Submitted to the AG	1	0	0	1

Board of Podiatric Medicine
Enforcement Statistics – Fiscal Year to Date Totals
Quarter 1 Report (July 2015 - September 2015)

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

	FY 15/16 QTR 1	FY 15/16 QTR 2	FY 15/16 QTR 3	FY 15/16 QTR 4	FY 15/16 QTR 1 Total	FY 14/15 QTR 1 over last	+/- %
Received	38	n/a	n/a	n/a	38	38	0%
Assigned for investigation	44	n/a	n/a	n/a	44	35	+26%
Average days to close or assign (Target = 9 days)	21	n/a	n/a	n/a	21	10	+110%

Total Case Investigations

	FY 15/16 QTR 1	FY 15/16 QTR 2	FY 15/16 QTR 3	FY 15/16 QTR 4	FY 15/16 QTR 1 Total	FY 14/15 QTR 1 over last	+/- %
Investigations Assigned	44	n/a	n/a	n/a	44	37	+19%
Investigations Completed	24	n/a	n/a	n/a	24	24	0%
Avg Days to Complete Investigations (Target = 125 Days)	155	n/a	n/a	n/a	155	246	-37%

Board of Podiatric Medicine
Enforcement Statistics – Fiscal Year to Date Totals
Quarter 1 Report (July 2015 - September 2015)

Attorney General Cases

	FY 15/16 QTR 1	FY 15/16 QTR 2	FY 15/16 QTR 3	FY 15/16 QTR 4	FY 15/16 QTR 1 Total	FY 14/15 QTR 1 over last	+/- %
Cases Initiated	1	n/a	n/a	n/a	1	2	-100%
Accusations Withdrawn/Dismissed/Declined	0	n/a	n/a	n/a	0	0	0%
Closed Without Disciplinary Action	1	n/a	n/a	n/a	1	1	0%
Statement of Issues/Accusations Filed	1	n/a	n/a	n/a	1	3	-200%
Final Orders - Decisions/Stipulations	1	n/a	n/a	n/a	1	0	+100%
Avg Days to Complete Final Orders (target = 540 Days)	205	n/a	n/a	n/a	205	n/a	n/a

Other Legal Actions

	FY 15/16 QTR 1	FY 15/16 QTR 2	FY 15/16 QTR 3	FY 15/16 QTR 4	FY 15/16 QTR 1 Total	FY 14/15 QTR 1 over last	+/- %
PC23 Order	0	n/a	n/a	n/a	0	0	0%
Interim Suspension Order	0	n/a	n/a	n/a	0	1	-100%

Board of Podiatric Medicine
Enforcement Statistics – Fiscal Year to Date Totals
Quarter 1 Report (July 2015 - September 2015)

Citations								
	FY 15/16 QTR 1	FY 15/16 QTR 2	FY 15/16 QTR 3	FY 15/16 QTR 4	FY 15/16 QTR 1 Total	FY 14/15 QTR 1 over last	+/- %	
Final Citations	1	n/a	n/a	n/a	1	2	-100%	
Average Days to Complete	1	n/a	n/a	n/a	1	513	-51200%	

Board of Podiatric Medicine
Enforcement Statistics – Attorney General Case Aging Data
As of October 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			10/05/15			1,049
2	ACC	9/18/13	4/18/14	4/25/14	5/12/14	5/20/14	6/10/14			4/13/15			743
3	ACC	7/28/14	8/22/14	9/02/14	9/17/14	10/20/14	10/21/14			9/29/15			430
4	ACC	10/08/14	11/21/14	12/04/14	12/19/14	8/04/15	8/05/15						358
5	ACC	12/17/14	3/20/15	3/24/15	4/06/15								288
6	ACC	1/27/15		8/18/15									247
7	ACC	2/20/15	5/22/15	6/23/15	7/06/15	8/18/15							223
8	REVO	3/13/15	3/19/15	3/23/15								9/11/15	202
9	REVO	4/16/15	4/22/15	4/30/15	5/13/15	5/22/15	6/03/15						168
10	REVO	7/02/15	7/08/15	7/13/15									91
11	ACC	8/04/15											58

ACC = Accusation

REVO = Petition to Revoke Probation

Note:

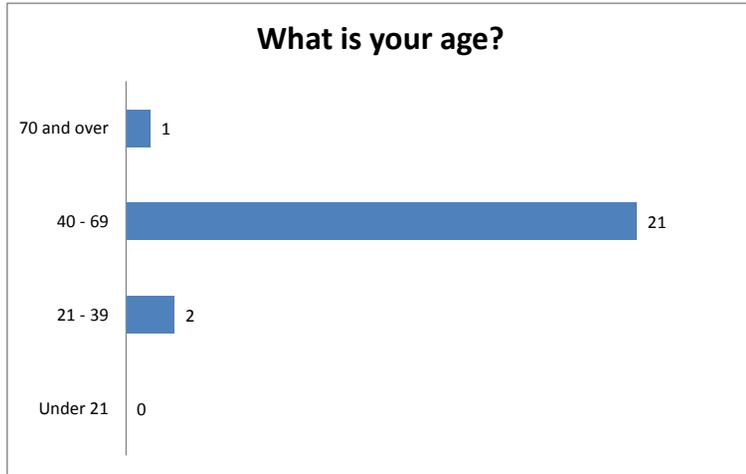
Case 1: Originally set for trial 5/13/15, trial rescheduled to 10/05/15 due to schedule conflict with respondent's attorney. Awaiting ALJ decision.

Case 2: Set for new hearing date 7/07/15. Proposed decision being reviewed by Board.

Case 3: Stipulated Agreement being reviewed by the Board.

Case 8: License Revoked effective 10/09/15

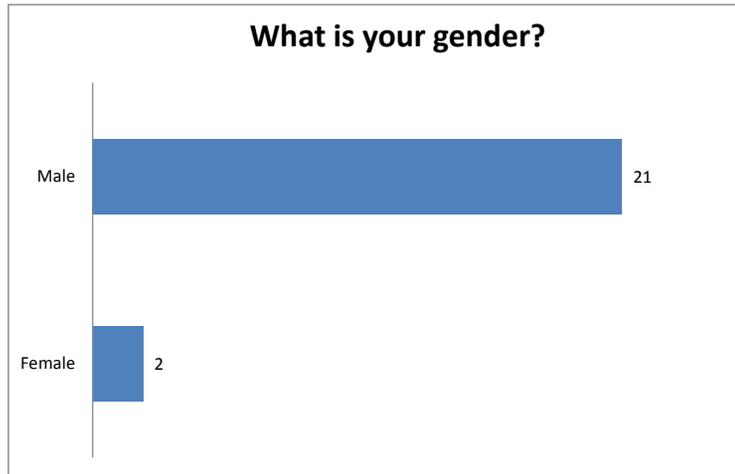
Equal Employment Opportunity Questionnaire



Q1 What is your age?

Under 21	0	0.00%
21 - 39	2	8.33%
40 - 69	21	87.50%
70 and over	1	4.17%

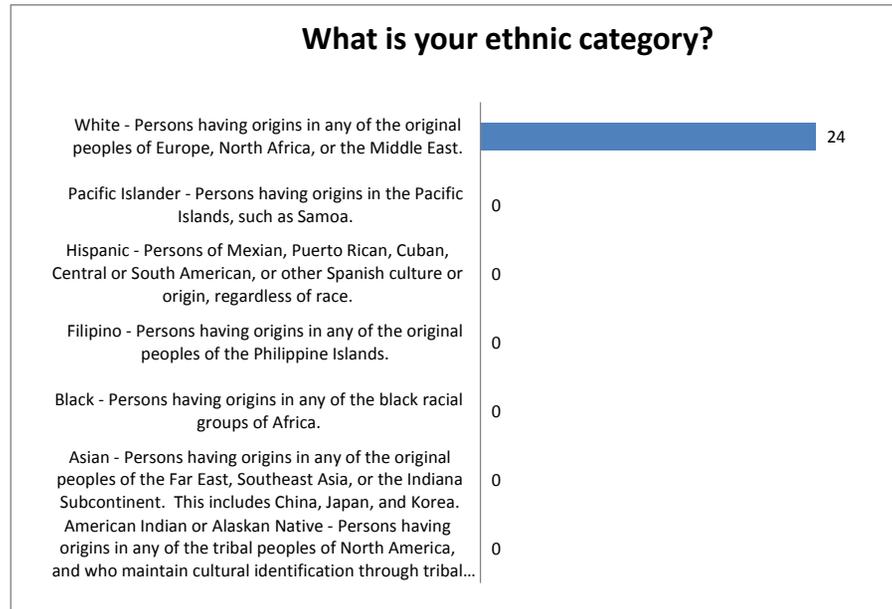
Total 24



Q2 What is your gender?

Female	2	8.33%
Male	21	91.30%
No answer/skipped	1	

Total 24

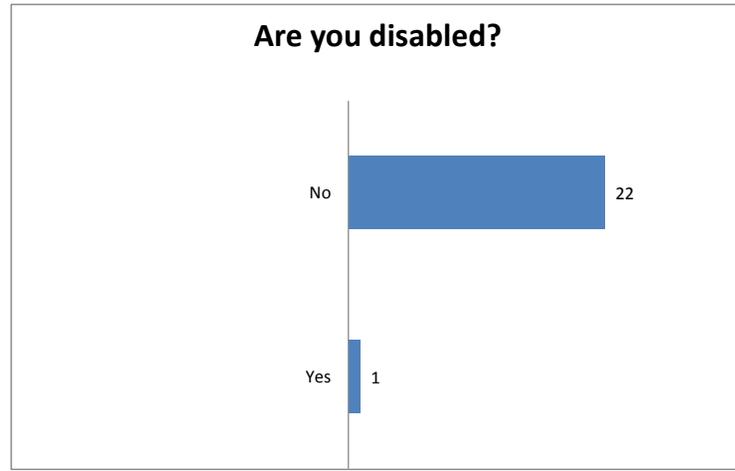
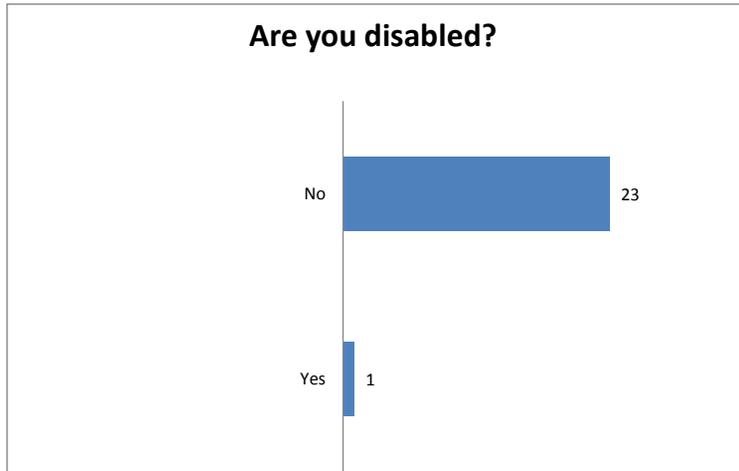


Q3 What is your ethnic category? (Please check the box that best describes your race/ethnicity):

American Indian or Alaskan Native - Persons having origins in any of the tribal peoples of North America, and who maintain cultural identification through tribal affiliation or community.	0	0.00%
Asian - Persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent. This includes China, Japan, and Korea.	0	0.00%
Black - Persons having origins in any of the black racial groups of Africa.	0	0.00%
Filipino - Persons having origins in any of the original peoples of the Philippine Islands.	0	0.00%
Hispanic - Persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.	0	0.00%
Pacific Islander - Persons having origins in the Pacific Islands, such as Samoa.	0	0.00%
White - Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.	24	100.00%

Total 24

Equal Employment Opportunity Questionnaire



Q4 Are you disabled? - A person with a disability is an individual who:
 (1) has a physical or mental impairment that substantially limits one or more life activities, such as walking, speaking, breathing, performing manual tasks, seeing, hearing, learning, caring for oneself or working, ...;
 (2) has a record of such an impairment; (3) is regarded as having such an impairment.

Yes	1	4.17%
No	23	95.83%
Total	24	

Q5 Are you a military veteran; widow or widower of a veteran; or a spouse of a 100% disabled veteran?

Yes	1	4.35%
No	22	95.65%
No answer/skipped	1	
Total	24	



2015 Quarterly Calendar

