



CALIFORNIA BOARD OF PODIATRIC MEDICINE
June 3, 2016

SUBJECT: ENFORCEMENT PROGRAM REPORT

ACTION: RECEIVE AND FILE STATUS REPORT

50

RECOMMENDATION

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

Committee Members:

Neil Mansdorf, Chair
Kristina Dixon

ISSUE

This status report highlights key areas and statistics for BPM's Enforcement Unit and other enforcement activity of note since last reported at the last full meeting of the Board March 4, 2016, and covers the period from January 2016 through March 2016 for end of quarter purposes.

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.

1) Complaint Data

Third quarter complaint data over the prior year's third quarter data is provided for review. The average days to close or assign are at eight days for this quarter which is within the DCA target of nine days. This improvement may be due to the enhanced communication and oversight of the intake process between BPM and MBC. (**Attachment A – Enforcement Statistics – Complaint Data**).

2) Investigation Data

Due to the backlog reported last quarter, there is still an increase in average days to complete investigations. The backlog is at the desk investigation stage and once caught up the overall number of days to process "case investigations" (which include both desk and field investigations) should decrease and be closer to the DCA target of 125 days. This backlog may continue for a little longer as investigations take some time to complete, but it is expected that desk investigations will be caught up in the early part of Fiscal Year 16/17 as progress

continues to be made. We are currently at about four months (120 days) beyond DCA target timeframes for closure. At last report there were nine pending cases to be sent to consultant review and this number is now down to two cases pending consultant review. (**Attachment B – Enforcement Statistics – Investigation Data**).

3) **Disciplinary Data**

One new case was initiated with the Attorney General during the third quarter which is an 80% decrease over the same period last year when five cases were initiated. No cases at the AG were closed without disciplinary action during this quarter which is a 500% decrease over last year's third quarter when five cases were closed with no discipline.

Case times vary due to differences in case complexity, amount of legal delays, lack of cooperation from the subject DPM, etc. Three Final Orders were processed during the third quarter of Fiscal year (FY) 15-16 for an overall average of 488 days to close which is below the DCA target set of 540 days. This is a 49% decrease over the third quarter of last year when two cases closed averaged 949 days overall.

Attorney General Case Aging date was not available last year at this quarter so no comparison is able to be shown.

No citations were issued this quarter.

Two probation cases were closed due to a surrender and a successful completion and one probationer was added this quarter. (**Attachment C – Enforcement Data – Disciplinary Data**).

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

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

Statistics for Attorney General Cases and other disciplinary data seem to show significant differences but this is due to the small number of disciplinary cases processed by the Board. This year shows fewer cases being initiated and more case completions over the same period last year. Completion times have improved. (**Attachment D – Enforcement Statistics – Fiscal Year to Date Totals**).

5) **Attorney General Case Aging Data**

Attorney General case aging data based on reports received directly from the Attorney General's Office is provided. The most aged case had numerous

extensions to the hearing date but has been sent out for Board vote and it is expected to be completed in the fourth quarter of this Fiscal Year. (**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.

The BreZE system provides data for cases that have closed and the report from the AG report shows the aging for cases currently in process and closed this quarter. Case aging numbers with the AG are not going to match what is reported in BreZE as AG start and end dates for receipt and closure of a case differ from DCA. DCA start dates begin with the date a complaint is initiated and close with the effective date of a decision (in most cases 30 days after it is signed). The AG start date is the date a case is accepted for prosecution and closes the date a decision is signed.

6) DCA Performance Measures

Quarter one and quarter two data for Fiscal Year 15/16 are provided for your review. Quarter three data is still being reviewed by DCA and has not yet been published.

7) Complaint's Received Since Implementation of Continuing Competence

Per Board request at the last meeting, a chart showing the downward trend of complaints initiated since implementation of BPM's Continuing Competence Program is provided. There has been a slight increase in recent years but numbers are still well below figures shown between 1996-2003.

B. Probation/Cost Recovery Recoupment Status Update

\$5,104.94 has been collected in cost recovery and probation monitoring costs during the 2015-2016 Fiscal Year third quarter beginning January 1, 2016 and ending March 31, 2016. Data for quarter three cost receiveables averages approximately \$8,000 over the past four years and this quarters collections are not concerning.

C. Consultant and Expert Training

BPM Consultant Training is planned to take place in Anaheim in conjunction with the Annual Western Foot and Ankle Conference. The training date will be June 24, 2016. A meeting has been scheduled with SOLID on June 27, 2016 to begin planning and development for an online training video.

MBC held Expert Training in San Diego on March 19, 2016. No compensation or credit for this training is provided by MBC, neither is it required, although it is highly encouraged. Invitations were extended to BPM Experts and three of BPM's experts did attend the training. More trainings are planned in the upcoming year in both Northern and Southern CA and invitations will again be extended to BPM experts to attend.

NEXT STEPS

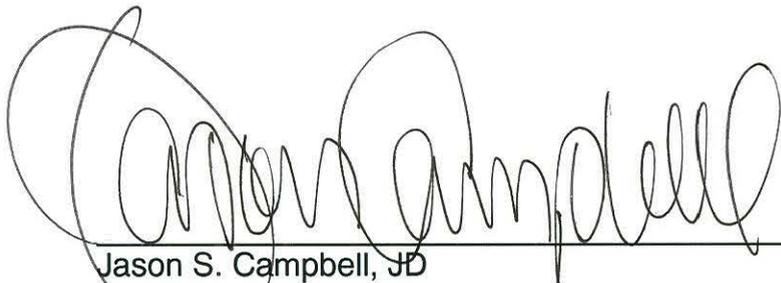
Staff will continue to maintain enforcement program processing timeframes through vigilant review of enforcement matrix reports and other data in order to effectively and efficiently expedite investigation of consumer complaints and prosecution of open cases.

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. DCA Performance Measures Q1 (July – Sept 2015) and Q2 (Oct – Dec 2015)
- G. Complaint's Received Since Implementation of Continuing Competence
- H. BPM Quarterly Timeline

Prepared by: Bethany DeAngelis, Enforcement Unit Coordinator


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Executive Officer

Board of Podiatric Medicine
Enforcement Statistics – Complaint Data
Quarter 3 Report (January – March 2016)

Complaint Intake

	16-Jan	16-Feb	16-Mar	QTR 3 Total	QTR over last FY	+/- %
Received	9	5	15	29	40	-28%
Closed W/O Investigation	0	0	0	0	n/a	n/a
Assigned for investigation	7	3	12	22	28	-21%
Average days to close or assign (Target = 9 Days)	5	11	9	8	11	-27%
Pending	2	4	7			

Complaint Intake - Convictions/Arrests Reports

	16-Jan	16-Feb	16-Mar	QTR 3 Total	QTR over last FY	+/- %
Received	1	0	3	4	2	+100%
Assigned for investigation	2	0	3	5	2	+150%
Average days to close or assign (Target = 9 Days)	5	0	8	7	28	-93%
Pending	0	0	0			

Total Complaint Intake

	16-Jan	16-Feb	16-Mar	QTR 3 Total	QTR over last FY	+/- %
Received	10	5	18	33	42	-21%
Assigned for investigation	9	3	15	27	30	-10%
Average days to close or assign (Target = 9 days)	5	11	9	8	12	-33%
Pending	2	4	7			

Board of Podiatric Medicine
Enforcement Statistics – Investigation Data
Quarter 3 Report (January – March 2016)

Desk Investigations

	16-Jan	16-Feb	16-Mar		QTR 3 Total	QTR over last FY	+/- %
Investigations Assigned	19	7	21		47	31	+52%
Investigations Completed	32	9	19		60	68	-12%
Avg Days to Complete Investigations	171	133	125		143	70	+73%
Investigations Pending	87	80	69				

Field Investigations

	16-Jan	16-Feb	16-Mar		QTR 3 Total	QTR over last FY	+/- %
Investigations Assigned	3	7	4		14	5	+180%
Investigations Completed	1	8	0		9	8	+13%
Avg Days to Complete Investigations	221	191	0		206	334	-38%
Investigations Pending	40	39	43				

Case Investigations

	16-Jan	16-Feb	16-Mar		QTR 3 Total	QTR over last FY	+/- %
Investigations Assigned	9	3	15		27	31	-13%
Investigations Completed	16	8	11		35	26	+35%
Avg Days to Complete Investigations (Target = 125 Days)	177	349	212		246	200	+23%
Investigations Pending	130	126	130				

Board of Podiatric Medicine
Enforcement Statistics – Investigation Data
Quarter 3 Report (January – March 2016)

Case Investigations Aging

	16-Jan	16-Feb	16-Mar	QTR 3 Total	QTR over last FY	+/- %
Up to 90 Days	3	1	3	7	12	-42%
91 to 180 Days	5	2	3	10	2	+400%
181 Days to 1 Year	8	1	1	10	7	+43%
1 to 2 Years	1	4	4	5	5	0%
2 to 3 Years	0	0	0	0	0	0%

Investigations Completed Without Referral for Disciplinary Action

	16-Jan	16-Feb	16-Mar	QTR 3 Total	QTR over last FY	+/- %
Investigations Completed	16	7	11	34	16	+113%
Average Days to Complete Investigations	177	331	212	240	173	+39%

Board of Podiatric Medicine
Enforcement Statistics – Disciplinary Data
Quarter 3 Report (January - March 2016)

Attorney General Cases

	16-Jan	16-Feb	16-Mar	QTR 3 Total	QTR over last FY	+/- %
Cases Initiated	0	1	0	1	5	-80%
Cases Pending	8	8	7			
Accusations Withdrawn/Dismissed/Declined	0	0	0	0	0	0%
Closed Without Disciplinary Action	0	0	0	0	5	-500%
Statement of Issues/Accusations Filed	0	0	0	0	1	+100%
Final Orders - Decisions/Stipulations	1	1	1	3	2	+50%
Avg Days to Complete Final Orders (target = 540 Days)	1213	241	372	488	949	-49%

Attorney General Case Aging

	16-Jan	16-Feb	16-Mar	QTR 3 Total	QTR over last FY	+/- %
Up to 90 Days	0	0	0	0	No data	n/a
91 to 180 Days	0	0	0	0	No data	n/a
181 Days to 1 Year	0	1	0	1	No data	n/a
1 to 2 Years	0	0	1	1	No data	n/a
2 to 3 Years	0	0	0	0	No data	n/a
3 to 4 Years	1	0	0	1	No data	n/a

Board of Podiatric Medicine
Enforcement Statistics – Disciplinary Data
Quarter 3 Report (January - March 2016)

Other Legal Actions

	16-Jan	16-Feb	16-Mar	QTR 3 Total	QTR over last FY	+/- %
PC 23 Order	0	0	0	0	1	-100%

Citations

	16-Jan	16-Feb	16-Mar	QTR 3 Total	QTR over last FY	+/- %
Final Citations	0	0	0	0	1	-100%
Average Days to Complete	0	0	0	n/a	325	n/a

Probation

	16-Jan	16-Feb	16-Mar	End of QTR 3
Number of Active Probationers	14	14	12	12
Number of Tolled Probationers	7	7	7	7
Probation Cases Initiated (New Probationers)	1	0	0	1
Probation Cases Closed (Probation Completions)	0	0	1	1
Probation Cases Closed (Revocation or Surrender)	0	0	1	1
Probation Violations Submitted to the AG	0	0	0	0

Board of Podiatric Medicine
Enforcement Statistics – Fiscal Year to Date Totals
Quarters 1-3 Report (July 2015 - March 2016)

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 1-3 Total	FY 14/15 QTR 1-3 over last FY	+/- %
Received	38	25	33	n/a	96	104	-8%
Assigned for investigation	44	25	27	n/a	96	92	-4%
Average days to close or assign (Target = 9 days)	21	14	8	n/a	14	13	+8%

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 1-3 Total	FY 14/15 QTR 1-3 over last FY	+/- %
Investigations Assigned	44	25	27	n/a	96	95	+1%
Investigations Completed	24	43	35	n/a	102	89	+15%
Avg Days to Complete Investigations (Target = 125 Days)	155	177	246	n/a	193	205	-6%

Board of Podiatric Medicine
Enforcement Statistics – Fiscal Year to Date Totals
Quarters 1-3 Report (July 2015 - March 2016)

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 1-3 Total	FY 14/15 QTR 1-3 over last FY	+/- %
Cases Initiated	1	0	1	n/a	2	9	-78%
Accusations Withdrawn/Dismissed/Declined	0	0	0	n/a	0	0	0%
Closed Without Disciplinary Action	1	1	0	n/a	2	8	-75%
Statement of Issues/Accusations Filed	1	1	0	n/a	2	5	-60%
Final Orders - Decisions/Stipulations	1	2	3	n/a	6	3	+100%
Avg Days to Complete Final Orders (target = 540 Days)	205	567	488	n/a	420	522	-20%

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

Board of Podiatric Medicine
Enforcement Statistics – Fiscal Year to Date Totals
Quarters 1-3 Report (July 2015 - March 2016)

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 1-3 Total	FY 14/15 QTR 1-3 over last FY	+/- %
Final Citations	1	0	0	n/a	1	4	-75%
Average Days to Complete	1	n/a	n/a	n/a	1	385	-38500%

Board of Podiatric Medicine
Enforcement Statistics – Attorney General Case Aging Data
As of April 1, 2016

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	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			4/11/16			1,232
2	ACC	10/08/14	11/21/14	12/04/14	12/19/14	8/04/15	8/05/15		2/23/16		C: 2/24/16	3/10/16	504
3	ACC	1/27/15	6/26/15	8/18/15	8/28/15	12/28/15	12/29/15						430
4	ACC	12/17/14	3/20/15	3/24/15	4/06/15	10/02/15			1/22/16		C: 1/28/16		407
5	ACC	2/20/15	5/22/15	6/23/15	7/06/15	8/18/15	10/15/15			9/26/16			406
6	REVO	4/16/15	4/22/15	4/30/15	5/13/15	5/22/15	6/03/15		1/25/16		C: 1/28/16	3/02/16	287
7	ACC	8/04/15	11/06/15	11/10/15	11/20/15	2/18/16	2/29/16						241
8	REVO	7/02/15	7/08/15	7/13/15	11/18/15				11/25/15		C: 12/15/15	1/20/16	166
9	ACC	2/29/16											32

ACC = Accusation

REVO = Petition to Revoke Probation

Note:

Case 1: Case has been sent for Board Vote.

Case 2: Stipulated Agreement signed, case closed.

Case 4: Stipulated Agreement signed, case being held for Board discussion.

Case 6: Stipulated Agreement signed, case closed.

Case 8: Stipulated Agreement signed, case closed.

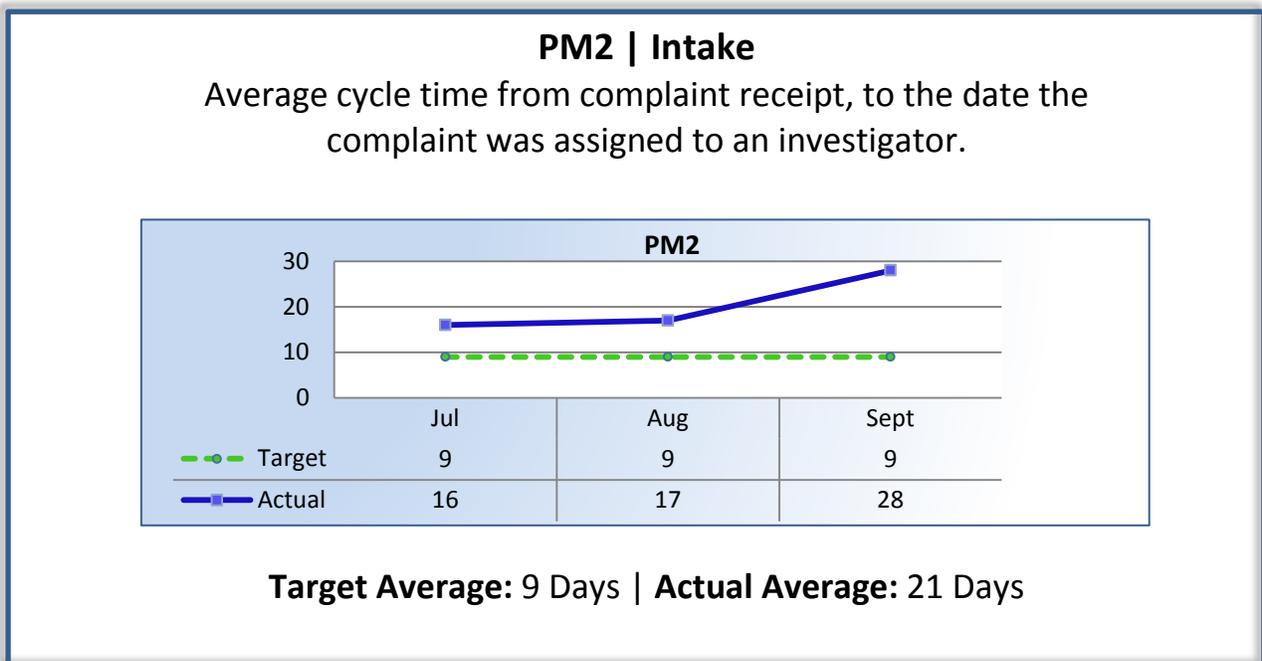
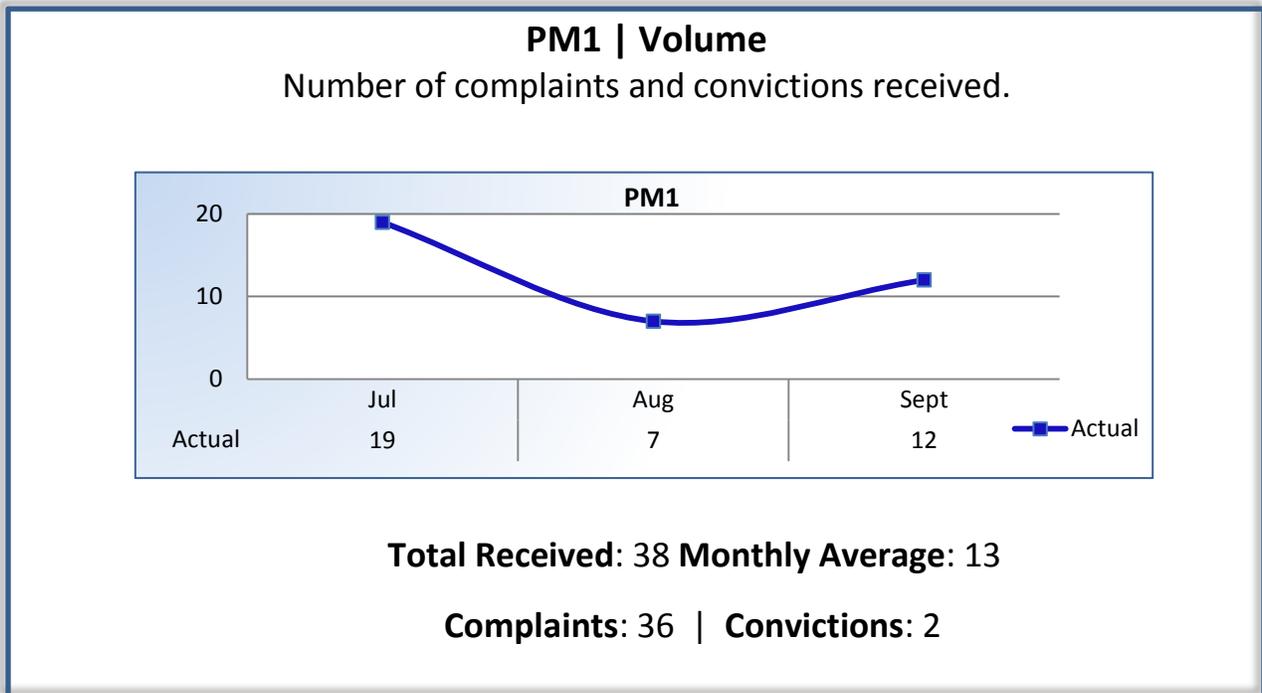
ATTACHMENT E

Board of Podiatric
Medicine

Performance Measures

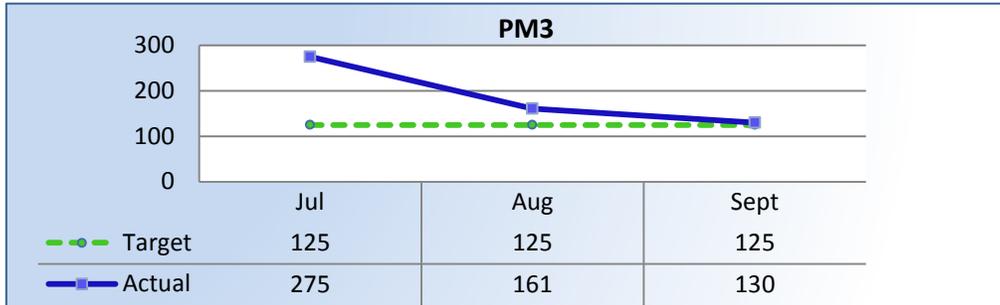
Q1 Report (July - September 2015)

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 number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 125 Days | Actual Average: 196 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)

The Board did not have any cases closed in formal discipline this quarter.

Target Average: 540 Days | Actual Average: N/A

PM7 | Probation Intake

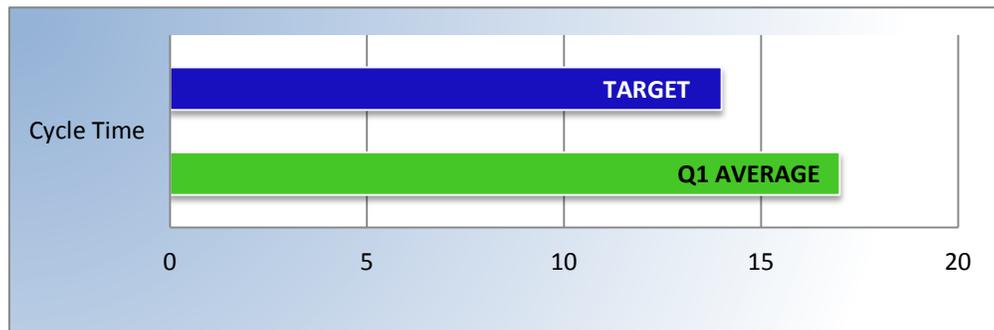
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board did not contact any new probationers this quarter.

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.



Target Average: 14 Days | Actual Average: 17 Days

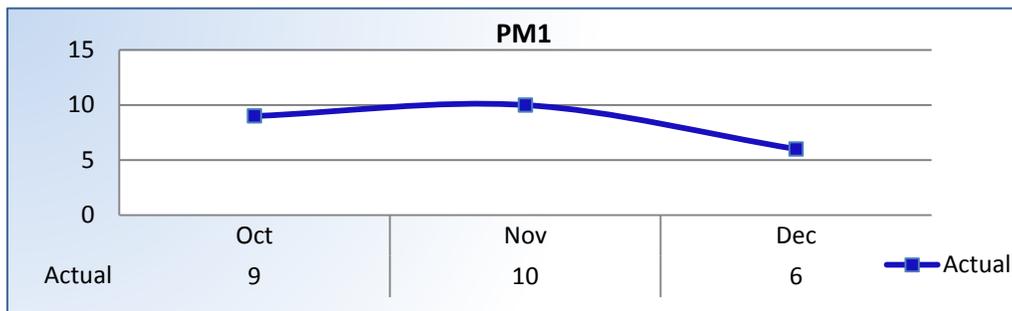
Performance Measures

Q2 Report (October - December 2015)

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.

PM1 | Volume

Number of complaints and convictions received.

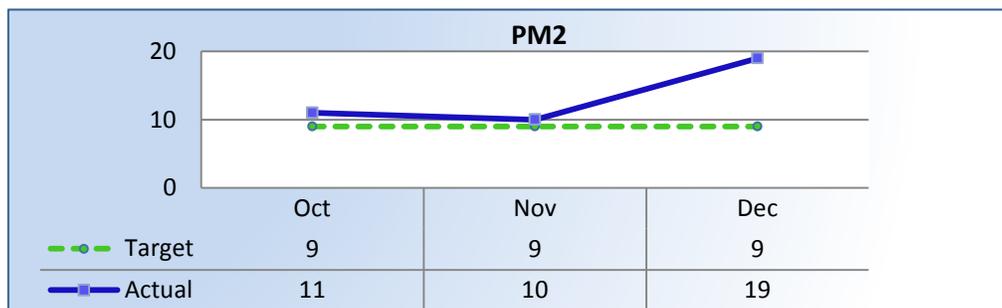


Total Received: 25 Monthly Average: 8

Complaints: 23 | Convictions: 2

PM2 | Intake

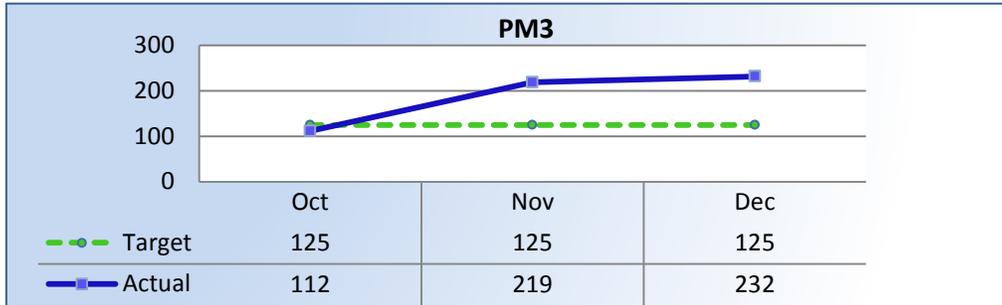
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 9 Days | Actual Average: 14 Days

PM3 | Intake & Investigation

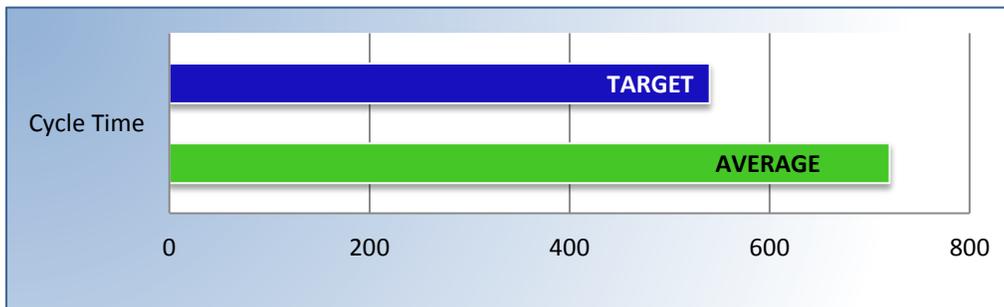
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 125 Days | Actual Average: 197 Days

PM4 | Formal Discipline

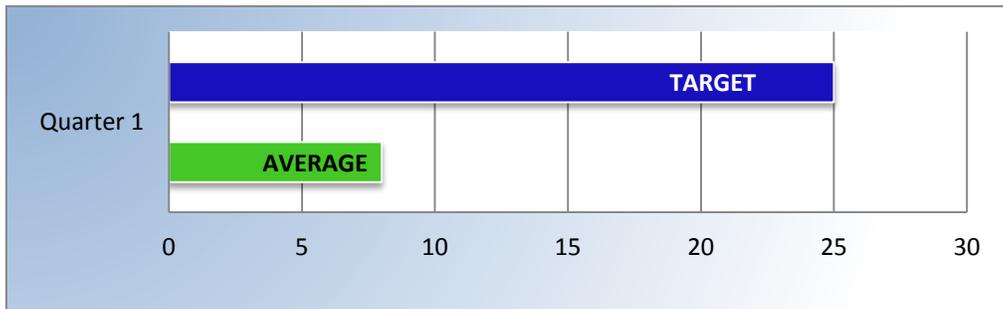
Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days | Actual Average: 720 Days

PM7 | Probation Intake

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



Target Average: 25 Days | Actual Average: 8 Days

PM8 | Probation Violation Response

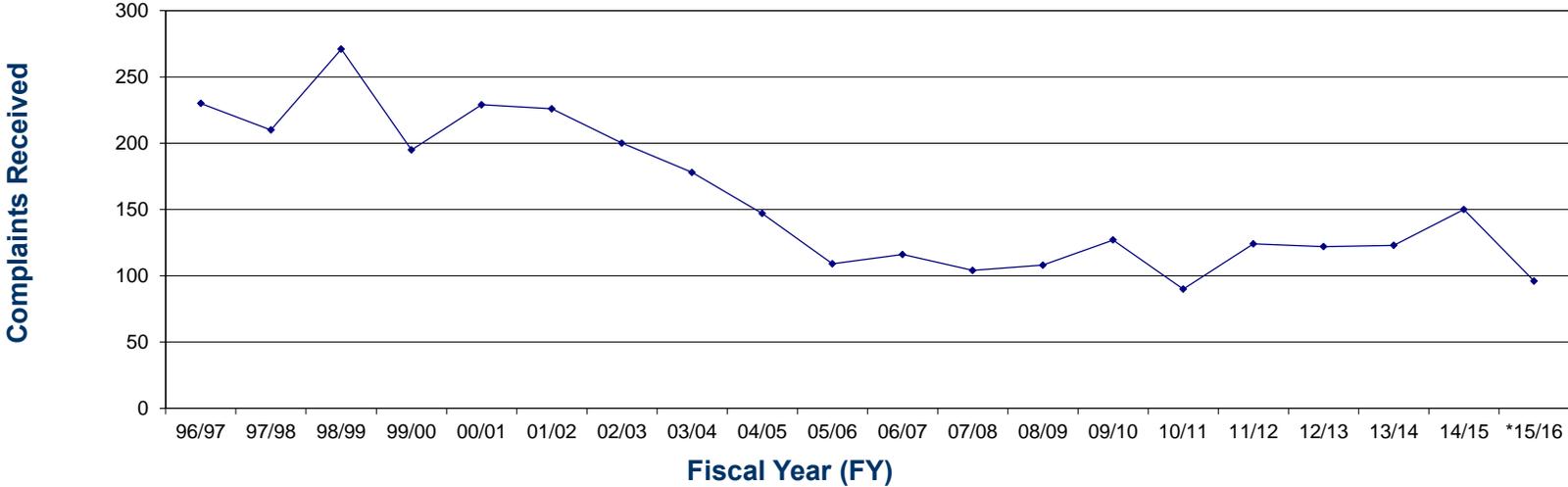
Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not have any probation violations this quarter.

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

**Complaints Received Since Implementation of
BPM's Continuing Competence Program
(January 1, 1999)**

First 2-year renewal period



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	09/10	10/11	11/12	12/13	13/14	14/15	*15/16
Complaints Received	230	210	271	195	229	226	200	178	147	109	116	104	108	127	90	124	122	123	150	96

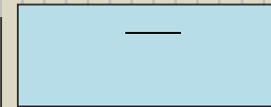
* 15/16 data shows complaints received for the first three quarters and is not reflective of final statistics for the year.

2016

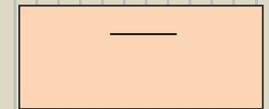
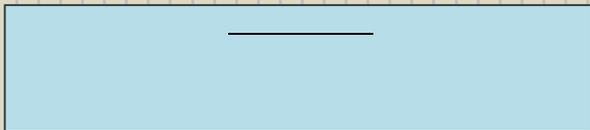
June

July

August



19 20 21 22 23 24 25 26 27 28 29 30 31



Legislative Committee

Enforcement Committee

Public Education Committee

Licensing Committee

BPM Staff

CA Legislature

Committee Chairs

State Holidays DCA Information