STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
Medical Board of California
BOARD OF PODIATRIC MEDICINE
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ENFORCEMENT COMMITTEE
August 17, 2016

SUBJECT: ENFORCEMENT PROGRAM REPORT

ACTION: RECEIVE AND FILE STATUS REPORT

4

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 at the last full meeting of the Board June 3, 2016, and covers the period from April 2016 through June 2016 for end of quarter purposes and also provides data covering the full 15/16 Fiscal Year.

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

Fourth quarter complaint data over the prior year's fourth quarter data is provided for review. The average days to close or assign are at ten days for this quarter which is close to the DCA target of nine days. **(Attachment A – Enforcement Statistics – Complaint Data)**.

2) Investigation Data

Case investigation times are continuing to improve. The fourth quarter shows the average days to complete investigations at 147 days, only 22 days from the DCA target of 125 days.

Desk investigation case backlog has been eliminated and there are no cases pending to go out for consultant review. **(Attachment B – Enforcement Statistics – Investigation Data).**

3) **Disciplinary Data**

Five new cases were initiated with the Attorney General during the fourth quarter which is an 150% increase over the same period last year when two cases were initiated. One Final Order was processed in the fourth quarter with a completion time of 665 days compared to two Final Orders processed in the fourth quarter of last Fiscal Year with an average of 917 days.

Case times vary due to differences in case complexity, amount of legal delays, lack of cooperation from the subject DPM, etc.

No citations were issued and there were no additions or deletions causing changes to probation data 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 fourth quarters (full year) of FY 2015/2016. This period is compared over the last FY (FY 2014/2015) for the same period.

Statisics 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.

Discipline case completion times continue to show improvement and are now within the DCA target of 540 days for the entire Fiscal Year.

Please note that some of the date now reported for quarters 1 - 3 have changed from prior reports. There were monir changes to the number of complaints and investigations that is likely due to entry into Breeze after the prior reports were ran and presented to the Board. Case closures and then reopening of cases can also effect these numbers. Also, there was a recent change in the report logic that calculates discipline case aging end dates based on the effective date instead of the Order date. The effective date of an Order is 30 days after the Order has been signed. Therefore a case previously shown to have closed in the 1st quarter is now counted as closed in the 2nd quarter. The Breeze Team, Reports User Group and Enforcement User Group along with DCA is continuing to make adjustments to how data is reported since the roll out of Breeze and as issues are discovered and fixed. With enforcement cases, reports ran a day apart may show slight differences as the cases are always in movement with multiple parties working on them and adding activity codes. The reports provide an overall snapshot of the enforcement program at any given time. **(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 has finally closed in July 2016. Several new cases have been recently referred to the AG for prosecution. **(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 BreEZe system provides data for cases that have closed and the report from the AG report shows the aging for cases currently in process and recently closed. Case aging numbers with the AG are not going to match what is reported in BreEZe 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 intitated 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 three data for Fiscal Year 15/16 is provided for your review. Quarter four data is still being reviewed by DCA and has not yet been published. **(Attachment F – DCA Performance Measures Q3 (January – June 2016)).**

7) **Complaint's Received Since Implementation of Continuing Competence**

This chart shows the downward trend of complaints initiated since implementation of BPM's Continuing Competence Program. There has been a slight increase in recent years but numbers are still well below figures shown between 1996-2003. **(Attachment G – Complaint's Received Since Implementation of Continuing Competence).**

B. Probation/Cost Recovery Recoupment Status Update

$5,544.94 has been collected in cost recovery and probation monitoring costs during the 2015-2016 Fiscal Year fourth quarter beginning April 1, 2016 and ending June 30, 2016. Data for quarter four cost receiveables averages approximately $6,195 over the past four years and this quarters collections are comparable to past collections. Total Cost Recovery and Probation Monitoring collections for Fiscal Year 15/16 are $47,061.24. This is significantly lower than the average amount of $65,575 collected over the prior four years. This is due to less cost recovery being ordered and some probationers being unable to meet their payment obligations and either having probation extensions to allow additional time or receiving discipline that resulted in a loss of license and having no money to meet their payment obligations.

C. Consultant and Expert Training

BPM Consultant Training took place on June 24, 2016 in Anaheim in conjunction with the Annual Western Foot and Ankle Conference. All consultants are up to date with their training per Board Policy.

Expert training will be offered through MBC on October 8, 2016 at UCSF and on November 5, 2016 in Los Angeles (tentatively at UCLA) Online registration should be available by the end of August 2016 and the information has been forwarded to BPM experts.

A meeting took place with SOLID on June 27, 2016 and training materials were provided to SOLID to review in order to assist in development of an online expert/consultant training video. The expected time frame to have a developed product is approximately one year or sometime next Summer.

D. Consultant and Expert Recruitment

BPM would like to continue to recruit and diversify it's pool of consultants and experts to meet EEO goals. We currently have 11 consultants and 34 experts and they are able to handle the current case load, but new applicants would be welcome at this time. BPM has an article prepared for the upcoming newsletter and is open to discussion for how the Board would like to proceed in conducting focused recruitment efforts.

A comment was made at the recent consultant training that many of the younger podiatrists are getting board certified elsewhere than ABPS and perhaps the Board would want to consider adding more specialty board certifications to qualify individuals in order to expand the pool of potential qualified applicants.

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 Q3 (January - March 2016)
G. Complaint's Received Since Implementation of Continuing Competence
H. BPM Quarterly Timeline

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Board of Podiatric Medicine

Enforcement Statistics – Complaint Data

Quarter 4 Report (April – June 2016)

Complaint Intake

	16-Apr	16-May	16-June	QTR 4 Total	Over QTR 4 last FY	+/- %
Received	12	13	8	33	41	-20%
Closed W/O Investigation	0	0	0	0	n/a	n/a
Assigned for investigation	17	14	11	42	49	-14%
Average days to close or assign **(Target = 9 Days)**	10	8	12	10	11	-9%
Pending	2	3	0			

Complaint Intake - Convictions/Arrests Reports

	16-Apr	16-May	16-June	QTR 4 Total	Over QTR 4 last FY	+/- %
Received	0	1	0	1	5	-80%
Assigned for investigation	0	1	0	1	4	-75%
Average days to close or assign **(Target = 9 Days)**	0	1	8	1	18	-94%
Pending	0	0	0			

Total Complaint Intake

	16-Apr	16-May	16-June	QTR 4 Total	Over QTR 4 last FY	+/- %
Received	11	14	8	34	46	-26%
Assigned for investigation	17	15	11	43	53	-19%
Average days to close or assign **(Target = 9 days)**	10	7	12	10	11	-9%
Pending	2	3	0			

ATTACHMENT A

Board of Podiatric Medicine

Enforcement Statistics – Investigation Data

Quarter 4 Report (April – June 2016)

Desk Investigations

	16-Apr	16-May	16-June	QTR 4 Total	Over QTR 4 last FY	+/- %
Investigations Assigned	17	13	11	41	53	-23%
Investigations Completed	19	25	12	56	26	-32%
Avg Days to Complete Investigations	114	130	104	116	76	+53%
Investigations Pending	54	43	42			

Field Investigations

	16-Apr	16-May	16-June	QTR 4 Total	Over QTR 4 last FY	+/- %
Investigations Assigned	1	2	5	8	5	+60%
Investigations Completed	1	1	2	4	5	-20%
Avg Days to Complete Investigations	174	566	573	438	308	+42%
Investigations Pending	38	39	42			

Case Investigations

	16-Apr	16-May	16-June	QTR 4 Total	Over QTR 4 last FY	+/- %
Investigations Assigned	17	14	11	42	55	-24%
Investigations Completed	20	19	13	52	22	+136%
Avg Days to Complete Investigations **(Target = 125 Days)**	123	153	165	147	211	+23%
Investigations Pending	99	93	92			

ATTACHMENT B

Board of Podiatric Medicine

Enforcement Statistics – Investigation Data

Quarter 4 Report (April – June 2016)

Case Investigations Aging

	16-Apr	16-May	16-June	QTR 4 Total	Over QTR 4 last FY	+/- %
Up to 90 Days	9	6	7	22	8	+175%
91 to 180 Days	4	8	2	14	2	+600%
181 Days to 1 Year	6	4	2	12	7	+71%
1 to 2 Years	0	1	0	1	5	-80%
2 to 3 Years	0	0	1	1	0	+100%

Investigations Completed Without Referral for Disciplinary Action

	16-Apr	16-May	16-June	QTR 4 Total	Over QTR 4 last FY	+/- %
Investigations Completed	18	18	12	48	18	+167%
Average Days to Complete Investigations	134	136	112	127	197	-36%

Board of Podiatric Medicine

Enforcement Statistics – Disciplinary Data

Quarter 4 Report (April - June 2016)

Attorney General Cases

	16-Apr	16-May	16-June	QTR 4 Total	Over QTR 4 last FY	+/- %
Cases Initiated	2	1	2	5	2	+150%
Cases Pending	7	8	9			
Accusations Withdrawn/Dismissed/Declined	0	0	0	0	1	-100%
Closed Without Disciplinary Action	0	0	0	0	1	-100%
Statement of Issues/Accusations Filed	1	0	1	2	2	0%
Final Orders - Decisions/Stipulations	1	0	0	1	2	-50%
Avg Days to Complete Final Orders **(target = 540 Days)**	665	0	0	665	917	-27%

Attorney General Case Aging

	16-Apr	16-May	16-June	QTR 4 Total	Over QTR 4 last FY	+/- %
Up to 90 Days	0	0	0	0	0	0
91 to 180 Days	0	0	0	0	0	0
181 Days to 1 Year	0	0	0	0	0	0
1 to 2 Years	1	0	0	1	0	+100%
2 to 3 Years	0	0	0	0	1	-100%
3 to 4 Years	0	0	0	0	1	-100%

ATTACHMENT C

Board of Podiatric Medicine

Enforcement Statistics – Disciplinary Data

Quarter 4 Report (April - June 2016)

Other Legal Actions

	16-Apr	16-May	16-June	QTR 4 Total	Over QTR 4 last FY	+/- %
No other legal actions to report for 4th Qtr 15/16 or 14/15	0	0	0	0	0	n/a

Citations

	16-Apr	16-May	16-June	QTR 4 Total	Over QTR 4 last FY	+/- %
Final Citations	0	0	0	0	2	-200%
Average Days to Complete	0	0	0	n/a	309	n/a

Probation

	16-Apr	16-May	16-June	End of QTR 4
Number of Active Probationers	12	12	12	12
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 Cases Closed (Revocation or Surrender)	0	0	0	0
Probation Violations Submitted to the AG	0	0	0	0

Board of Podiatric Medicine

Enforcement Statistics – Fiscal Year to Date Totals

Quarters 1-4 Report (July 2015 - June 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 1-4 Total	Over FY 14/15 QTR 1-4 Total	+/- %
Received	39	25	34	34	132	150	-12%
Assigned for investigation	44	27	27	42	140	145	-3%
Average days to close or assign (Target = 9 days)	21	14	8	10	13	11	+18%

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 1-4 Total	Over FY 14/15 QTR 1-4	+/- %
Investigations Assigned	44	27	27	42	140	150	-7%
Investigations Completed	23	42	35	52	152	111	+37%
Avg Days to Complete Investigations (Target = 125 Days)	155	177	246	147	181	206	-12%

ATTACHMENT D

Board of Podiatric Medicine

Enforcement Statistics – Fiscal Year to Date Totals

Quarters 1-4 Report (July 2015 - June 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 1-4 Total	Over FY 14/15 QTR 1-4	+/- %
Cases Initiated	1	0	1	5	7	11	-36%
Accusations Withdrawn/Dismissed/Declined	0	0	0	0	0	1	-100%
Closed Without Disciplinary Action	1	1	2	0	4	9	-56%
Statement of Issues/Accusations Filed	1	1	0	2	4	7	-43%
Final Orders - Decisions/Stipulations	0	2	3	1	6	5	+20%
Avg Days to Complete Final Orders **(target = 540 Days)**	0	557	488	665	531	619	-14%

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 1-4 Total	Over FY 14/15 QTR 1-4	+/- %
PC23 Order	0	0	0	0	0	1	-100%
Interim Suspension Order	0	0	0	0	0	1	-100%

Board of Podiatric Medicine

Enforcement Statistics – Fiscal Year to Date Totals

Quarters 1-4 Report (July 2015 - June 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 1-4 Total	Over FY 14/15 QTR 1-4	+/- %
Final Citations	1	0	0	0	1	6	-83%
Average Days to Complete	1	0	0	0	1	354	-35400%

Board of Podiatric Medicine

Enforcement Statistics – Attorney General Case Aging Data

As of July 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		3/14/16	4/11/16		7/12/16	1,238
2	ACC	1/27/15	6/26/15	8/18/15	8/28/15	12/28/15	12/29/15		6/10/16		C: 6/28/16		518
3	ACC	2/20/15	5/22/15	6/23/15	7/06/15	8/18/15	10/15/15			9/26/16			497
4	ACC	12/17/14	3/20/15	3/24/15	4/06/15	10/02/15			1/22/16		C: 1/28/16	7/12/16	407
5	ACC	8/04/15	11/06/15	11/10/15	11/20/15	2/18/16	2/29/16						332
6	ACC	2/29/16											123
7	ACC	4/07/16	4/07/16	4/12/16	5/20/16	6/03/16	6/14/16			7/22/16			85
8	ACC	4/27/16	5/27/16	6/03/16									65
9	ACC	5/10/16											52
10	ACC	6/16/16											15
11	REDU	6/23/16											8

ACC = Accusation

REDU = Petition to Reduce Penalty Filed

REVO = Petition to Revoke Probation

Note:

Case 1: Decision ordered vacated and set aside due to death of respondent

Case 2: Case sent out for Board Vote

Case 4: Decision signed

ATTACHMENT E

Department of Consumer Affairs

Board of Podiatric Medicine

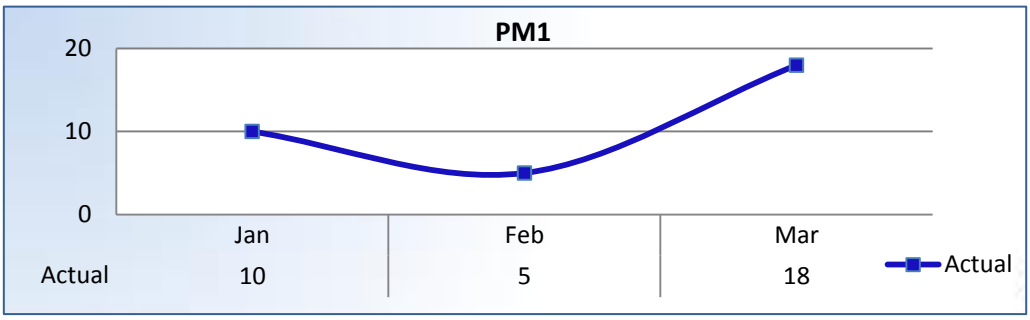
Performance Measures

Q3 Report *(January – March 2016)*

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.

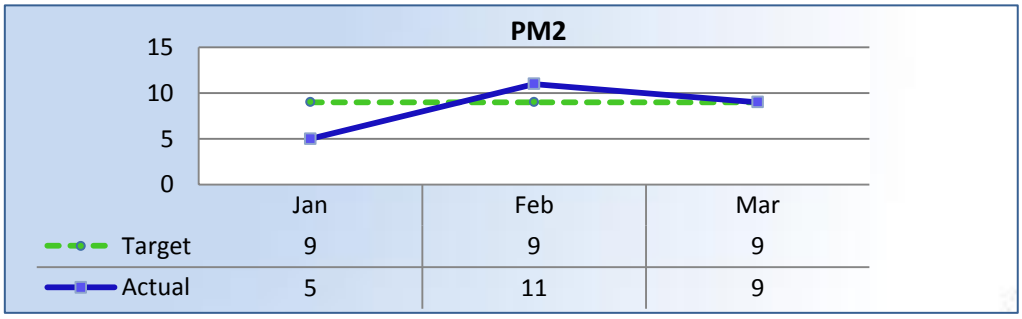


Total Received: 33 **Monthly Average**: 11

Complaints: 29 | **Convictions**: 4

PM2 | Intake

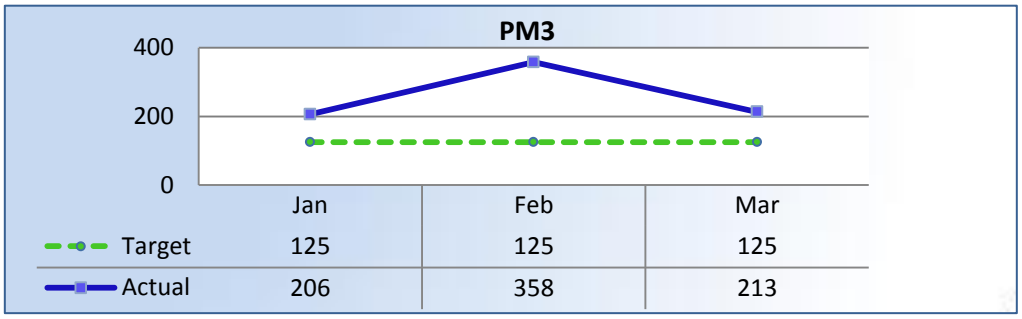
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 9 Days | **Actual Average:** 8 Days

PM3 | Intake & Investigation

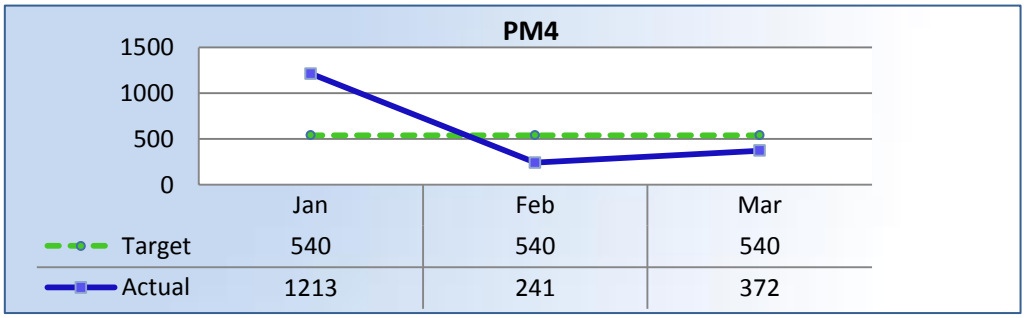
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 125 Days | **Actual Average:** 240 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:** 609 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.

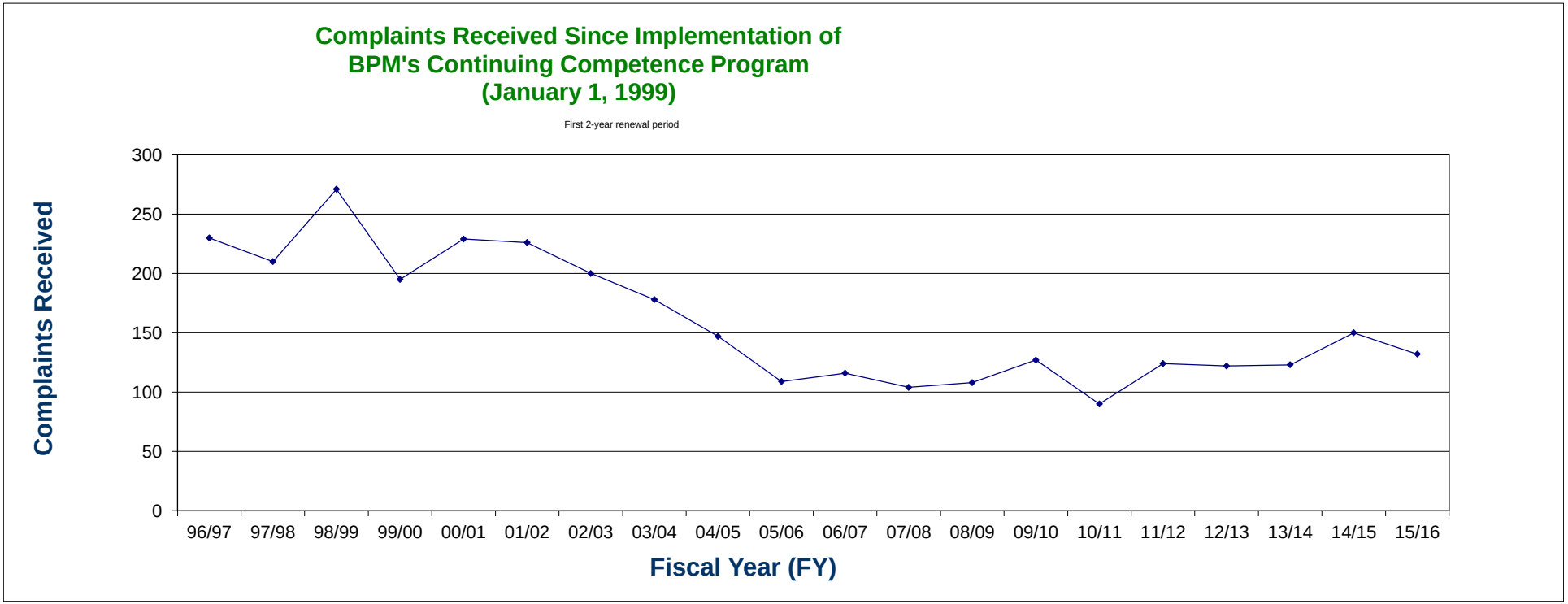
Target Average: 25 Days | **Actual Average:** n/a

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 have any probation violations this quarter.

Target Average: 14 Days | **Actual Average:** n/a



ATTACHMENT G

STATE OF CALIFORNIA
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PODIATRIC
MEDICINE

BPM Calendar

2016

September

Sept 5
Labor Day observed

Sept 9
BPM Board Meeting

Sept 29
December 2016 license renewals mailed out

Sept 30
Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec.10(b)(2)).

October

Oct 2
Bills enacted on or before this date take effect January 1, 2017(Art. IV, Sec 8(c))

Oct 29
January 2017 license renewals mailed out

November

Nov 9
BPM Committee Meetings

Nov 8
General Election

Nov 11
Veterans Day

Nov 24 & 25
Thanksgiving Day & Day after Thanksgiving

Nov 28
February 2017 license renewals mailed out

Nov 30
Adjournment *Sine Die* at midnight (Art. IV, Sec 3(a))

Legislative Committee	Enforcement Committee	Public Education Committee	Licensing Committee	BPM Staff	CA Legislature	Committee Chairs	State Holidays DCA Information

ATTACHMENT H