



# MEMORANDUM

<b>DATE</b>	October 2, 2023
<b>TO</b>	Veterinary Medical Board (Board)
<b>FROM</b>	<u>Enforcement Managers</u> Merlene Francis Patty Rodriguez Robert Stephanopoulos
<b>SUBJECT</b>	<b>Agenda Item 16.C. Enforcement Report</b>

## Staff Update

Since its last meeting, it was noted that Board enforcement analyst, Kim Phillips-Francis interviewed for and was hired for the licensing manager vacancy. As a result, her enforcement analyst position was posted and filled internally in September by Mr. Kenneth Seunarine. Mr. Seunarine started with the Board in April of 2022 and prior to this, was from the private sector. Since joining the Board, Mr. Seunarine has been responsible for contracting, invoicing, and communicating with Board Experts concerning case reviews. We are excited to have Kenny begin investigating cases but plan on having his former position backfilled as soon as possible.

On September 1, 2023, the Board filled the vacant Enforcement Program Manager by promoting Enforcement Analyst, Merlene Francis. Ms. Francis brings a bevy of experience within DCA, having been with the Department since April 1999. She previously worked as a Discipline Analyst for the Medical Board of California and the Board of Vocational Nursing and Psychiatric Technicians. Ms. Francis has also spent time within DCA at the Board of Barbering and Cosmetology and the Board of Behavioral Sciences. We look forward to seeing Ms. Francis’s continued growth and her taking the next steps in her career.

The Board filled the vacant Probation Monitor position on September 1, 2023, by promoting Probation Technician, Rachel McKowen. Ms. McKowen started with the Board in 2021 as the Receptionist and later accepted a promotion to Enforcement Technician in August 2020. During her time with the Board, she was the main receptionist answering calls and assisting customers at the front counter. She later moved her way up in enforcement by processing incoming complaints, posting updated discipline status to the website, and assisting with tracking new probation cases. We look forward to having Ms. McKowen as our newest probation monitor.

Ali Sultanzada was hired to fill the vacant Enforcement Technician position on August 21, 2023. Mr. Sultanzada is new to state service and comes from the private sector where he worked at a software engineer company. He is a fast learner and is processing new complaints, answering phone calls, and is currently training to take over posting discipline status to the Board’s website. We are excited to welcome Mr. Sultanzada to the Board.

With the hiring of Ms. McKowen, a vacancy was created for a Probation Technician, and the Board is currently recruiting to fill the position as soon as possible.

### **Inspections**

An Inspection Webinar was held on July 27; Board Inspectors Dr. Jim Howard and Jackie Smith presented detailed inspection information and scenarios based on their field experience. The webinar was well attended by nearly 300 attendees; feedback indicates the webinar was very useful and informative. The next Inspection Webinar is tentatively scheduled for January 2024.

Staff will be working with the Department's Office of Public Affairs to create an informational video on the topic of Inspections including a mock inspection by a Board Inspector of a local veterinary practice.

Dr. Michele Griffin from Gilroy is one of the Board's newest Inspectors; she will be inspecting Santa Clara County and the surrounding area. Dr. Griffin has been practicing at South County Animal Hospital for 20 years where she was the AAHA and OSHA coordinator for the practice. Starting in October, Venessa Krentz from Soquel will be the Board's Inspector in the Central Coast area. Ms. Krentz is currently a Practice Manager and has a great deal of experience in developing policies and procedures for continued compliance with OSHA, DEA and state regulatory requirements in her practice.

### **Intake**

As mentioned during the prior meeting, intake saw an increase in cycle times and pending complaints at intake due to the vacant enforcement technician position. So far in FY 23/24, the average number of days to assign a case is two days above our target time of ten days and we have 47 cases that need to be opened and assigned to an analyst. However, with the hiring of Mr. Sultanzada, we expect to be back at our target cycle time and only have a rolling number of manageable pending complaints (somewhere in the area of 10 to 20).

### **Investigations**

Board staff continues to cut into its backlog of complaints, which has now dipped below 3,600 pending. As mentioned previously, the Board began FY 22/23 with nearly 3,900 cases pending; however, current staffing levels and implemented efficiencies have made it possible to cut into this number.

So far in FY 23/24, the Enforcement Unit is poised to have another record year of closed investigations, as the number of cases closed is poised to break 2,200. This would be an increase of around 10% over last year's record-breaking number of closures. In addition, 57% of cases closed this FY are less than three years old, while 15% are less than one year old.

### **Training**

As mentioned in our previous meeting, in April 2023, DCA announced implementation of diversity, equity, and inclusion (DEI) training opportunities covering topics including unconscious bias, understanding differences, and understanding DEI in the workplace. All Board staff registered and participated in the initial round of trainings in June 2023.

Additional DEI trainings have been offered by DCA from October through December and all potential attendees have been highly encouraged to participate.

### **Subject Matter Expert Program**

At the end of August, the Board held another Quarterly Expert Round Table. As is customary at the start of these meetings, after a short introduction and review of the current state of enforcement, attendees were asked to encourage any potential colleagues to apply to become an expert.

This meeting began with a demonstration of the Subject Matter Expert (Expert) assignment, review, and payment process from start to finish. It contained examples of emails and documents to expect as an Expert and covered many questions and concerns that had been brought up by stakeholders. Experts were also shown good examples of reports submitted to the Board, based on formatting and analysis.

After the demonstration, Dr. Jeff Pollard facilitated the discussion of several hypothetical scenarios related to veterinary care and the potential violations found. This was a great transition into a forum for Experts to ask each other questions on issues they run into when doing a case review. This led into clarification on several points, such as:

- Ordering violations by egregiousness
- Parsing out multiple potential causes from one act
- Proofreading
- Seeing a case all the way through
- Communicating case concerns to staff/management early
- Expressing comfort level with violations
- Reaching out to management about process/payment issues

The next quarterly training is set to occur November 16, 2023.

### **Probation**

The Probation Monitor is actively investigating 51 pending enforcement complaints against 22 probationers. Currently, there are four Petitions for Early Termination and two Petitions for Reinstatement pending with the Probation Unit.

Since the last update, five new licensees began probation and five completed their probation, leaving 51 total probationers, 10 of which are tolled.

### **SF SPCA, et al. v. Jessica Sieferman Costs**

Board staff continues to monitor the associated costs for the pending federal lawsuit as requested by Board during the July 2021 Board meeting. As of September 1, 2023, total Board expenditures in Attorney General costs are \$33,825.

### **Disciplinary Action Vote Results**

Since the last Board meeting, the Board reviewed the following disciplinary matters:

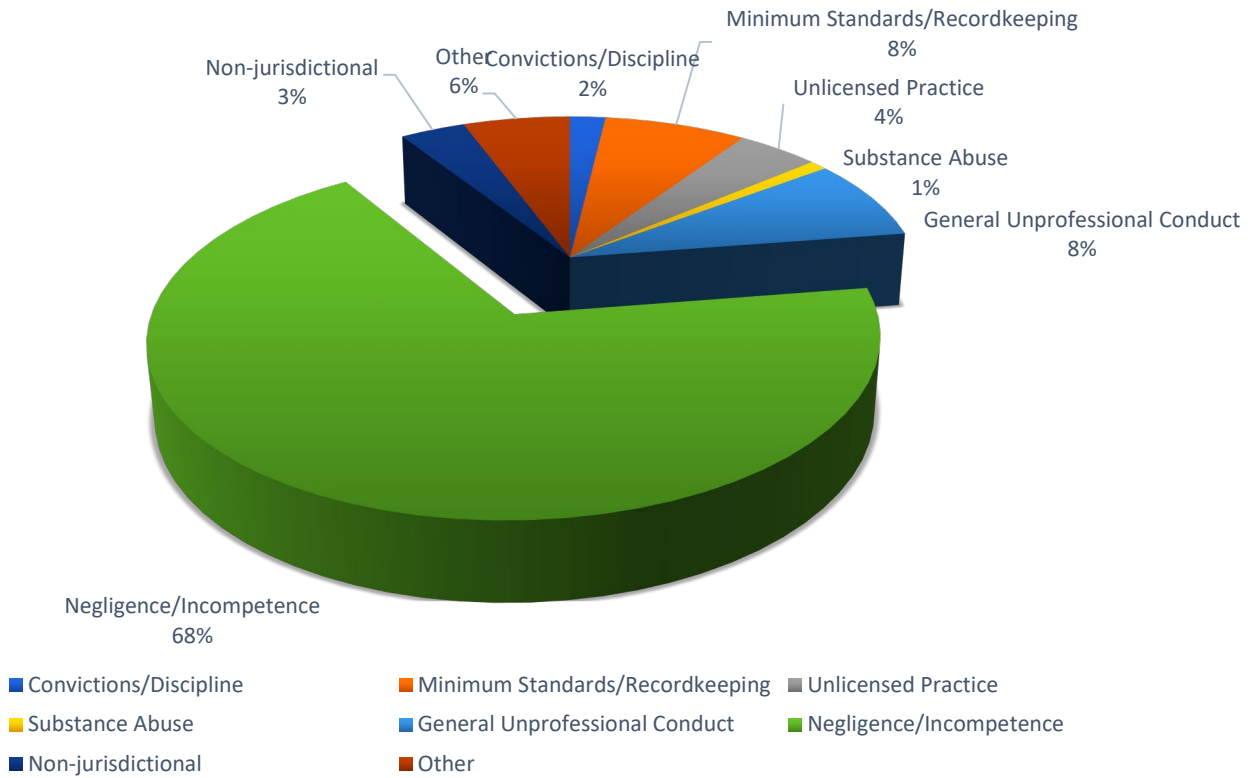
<b>STIPULATED SETTLEMENTS</b>	<b>VOTE</b>	<b>RESULT</b>
Paul Weber (Case No. 4602021001367)	3 – Adopt 2 – Hold for Discussion	Hold for Discussion
Harmandeep Sanghera (Case No. 4602019000137)	3 – Adopt 2 – Hold for Discussion	Hold for Discussion

The items held for discussion will be discussed during the October closed session.

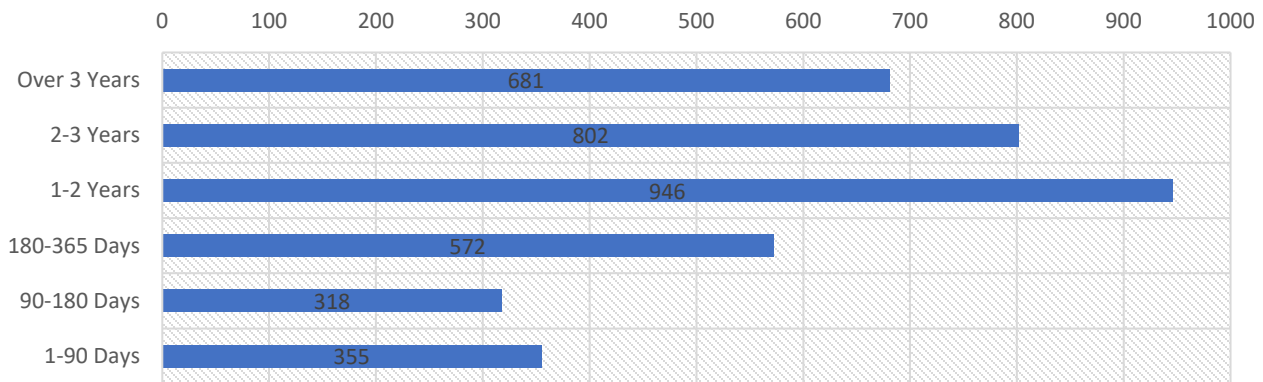
**Attachment**

1. Enforcement Statistics

### FY 23/24 YTD Complaints Received by Violation Type



### Pending Cases



Summary of Enforcement Activity							
Enforcement Activity	20/21	21/22	21/23	2023/24			
Consumer Complaints – Intake	YTD	YTD	YTD	July	Aug.	Sep.	YTD
Received	1,499	1,519	1,587	126	136	131	393
Closed Without Referral for Investigation	4	77	68	0	0	1	1
Referred for Investigation	1,485	1,448	1,510	124	99	149	372
Pending	29	16	18	29	66	47	47
<b>Conviction/Arrest Notification Complaints</b>							
Received	146	186	210	6	7	3	16
Closed Without Referral for Investigation	3	3	3	0	0	0	0
Referred for Investigation	141	184	207	5	4	11	20
Pending	2	1	0	5	8	0	0
<b>Inspections</b>							
Conducted	50	41	116	9	13	2	24
Citations Issued	0	10	5	2	0	0	2
<b>Investigations</b>							
Open	1,626	1,632	1,717	129	103	160	392
Closed	560	1,297	1,976	128	222	204	554
Pending	3,545	3,885	3,716	3,737	3,620	3,579	3,579
<b>Cases Closed within Timeframe to Complete Intake and Investigations</b>							
Up to 90 Days	339	274	463	33	23	32	88
91 to 180 Days	29	65	86	17	7	8	32
181 Days to 1 Year	36	116	170	9	13	11	33
1 to 2 Years	62	145	308	22	23	30	75
2 to 3 Years	22	167	300	16	25	45	86
Over 3 Years	72	530	649	31	131	78	240
Average Number of Days from Receipt of Complaint to Assignment of Investigator (start of investigation)	9	34	17	14	11	12	12
Average Number of Days for All Investigation Outcomes (from start investigation to referral for prosecution or case closure without referral for prosecution)	300	763	706	616	971	850	844
Average Number of Days from Receipt of Complaint to Referral for Prosecution or Case Closure Without Referral for Prosecution	309	796	717	629	980	869	858
<b>Citations and Fines</b>							
Issued without a Fine	0	0	0	0	0	0	0
Issued with a Fine	16	48	26	2	3	1	6
Withdrawn/Dismissed/Reduced	0	7	3	0	0	0	0
Average Number of Days to Issue a Citation and Fine (from complaint receipt/inspection conducted to citation issued)	1,581	1,293	1,333	1,844	987	1,553	1,367
<b>Total Amount of Fines</b>							
Assessed	\$38,004	\$203,250	\$121,000	\$6,000	\$15,000	\$3,000	\$24,000
Withdrawn/Dismissed/Reduced	\$0	\$14,500	\$15,000	\$0	\$0	\$0	\$0
Collected	\$21,504	\$129,366	\$102,283	\$8,330	\$15,797	\$21,927	\$46,054

<b>Criminal/Civil Actions</b>							
Referrals for Criminal/Civil Action	2	6	0	0	2	0	0
Criminal Actions Filed	0	0	1	0	0	0	1
Civil Actions Filed	0	0	0	0	0	0	0
<b>Office of the Attorney General/Disciplinary Actions</b>							
Cases Opened/Initiated	40	77	91	3	16	10	29
Cases Closed	23	11	39	5	19	0	24
Cases Pending	52	89	129	125	121	131	131
<b>Number of Days to Complete AG Cases</b>							
Up to 1 Year	1	1	0	0	4	0	4
1 to 2 Years	3	3	4	1	2	0	3
2 to 3 Years	4	0	6	2	9	0	11
Over 3 Years	15	7	12	2	4	0	6
Average Number of Days to Impose Discipline	1,237	1,189	1,029	1,287	1,016	N/A	1,072
<b>Formal Actions Filed/Withdrawn/Dismissed</b>							
Statement of Issues Filed	1	0	0	0	0	0	0
Accusations Filed	10	22	21	2	4	0	6
Restraining/Restriction/Suspension Orders Granted	0	1	0	0	0	0	0
Statement of Issues Withdrawn/Dismissed	1	0	0	0	0	0	0
Accusations Withdrawn/Dismissed	2	2	0	0	0	0	0
Average Number of Days from Closure of Investigation to Imposing Formal Discipline	964	475	587	357	609	0	573
<b>Administrative Outcomes/Final Orders</b>							
License Applications Denied	0	0	0	0	0	0	0
Revocation	7	2	1	0	1	0	1
Surrender of License	10	1	5	1	0	0	1
Probation with Suspension	1	0	0	0	0	0	0
Suspension Only	0	0	0	0	0	0	0
Probation Only	8	4	13	0	5	0	5
Public Reprimand/Public Reproval/Public Letter of Reprimand	0	1	0	0	0	0	0
Other Decisions	0	0	0	0	0	0	0
Total	26	8	19	1	6	0	7
<b>Probation</b>							
Probations Completed	N/A	21	15	4	4	0	8
Probationers Pending	N/A	59	57	53	52	51	51
<b>Subsequent Discipline</b>							
Probations Revoked	N/A	0	0	0	1	0	1
Probationers License Surrendered	N/A	0	3	0	0	0	0
Additional Probation Only	N/A	1	0	0	0	0	0
Suspension Only Added	N/A	0	0	0	0	0	0
Other Conditions Added Only	N/A	0	0	0	0	0	0
Other Probation Outcome	N/A	0	0	0	0	0	0
<b>Petition for Modification or Termination of Probation</b>							
Granted	4	1	3	0	0	0	0

Agenda Item 16.C, Attachment 1

Denied	2	0	0	0	0	0	0
<b>Petition for Reinstatement of Revoked License/Registration/Certification</b>							
Granted	2	0	1	0	0	0	0
Denied	1	0	1	0	0	0	0
<b>Cost Recovery</b>							
Ordered	\$119,392	\$135,133	\$334,399	\$0	\$85,823	\$0	\$85,823
Collected	\$42,799	\$28,393	\$121,657	\$15,665	\$8,166	\$37,738	\$61,569
<b>Restitution to Consumers/Refunds/Savings</b>							
Restitution Ordered	\$3,880	\$13,251	\$18,683	\$0	\$0	\$0	\$0
Amount Refunded	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Rework at no Charge	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Adjustments>Returns/Exchanges	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Savings Achieved for Consumers	\$3,880	\$13,251	\$18,683	\$0	\$0	\$0	\$0