

Veterinary Medical Board

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MEMORANDUM

DATE	November 13, 2018
TO	Multidisciplinary Advisory Committee
FROM	Robert Stephanopoulos. Enforcement Manager
SUBJECT	Enforcement Report

Staffing Update

The Board has filled the vacant Office Technician: Intake, Staff Services Analyst: Investigations, and Staff Services Manager I: Enforcement Manager positions, fully staffing the Enforcement Unit. Background information on the incumbents can be found below.

Mr. Dillon Christensen, the Board's new Office Technician, is tasked with the processing and assignment of cases as well as stakeholder inquiries and related correspondence. Mr. Christensen has accrued a wealth of enforcement experience from his time as an Enforcement Technician at the California State Board of Optometry and is already putting his knowledge to good use at VMB.

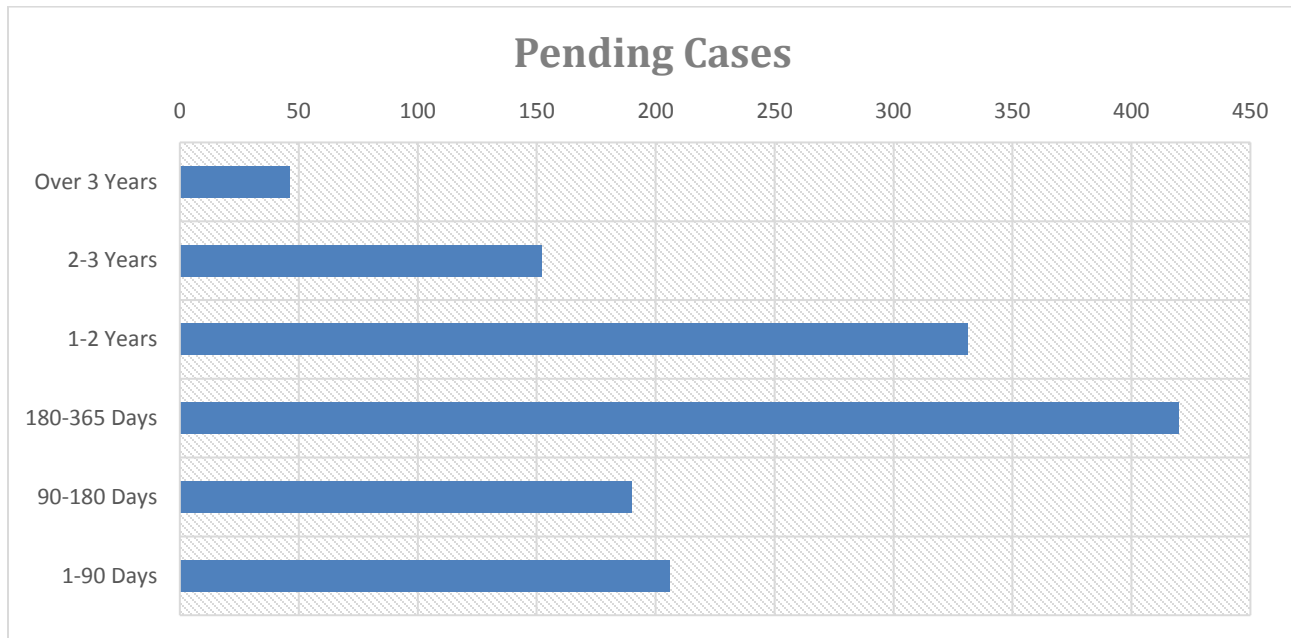
Ms. Kimberly Gorski was recently promoted to Staff Services Analyst from her prior assignment as Office Technician in the intake unit. Among other duties, Ms. Gorski will be investigating complaints, drafting citations, and recommending disciplinary action. She is quickly learning the investigation process and is eager to home her skills within the Enforcement Unit.

In mid-October, the Enforcement Manager position was filled by Mr. Rob Stephanopoulos, who will be overseeing the staff and activities of the Enforcement Unit. Mr. Stephanopoulos was the Assistant Executive Officer at the California State Board of Optometry, where he managed the Enforcement, Licensing, and Administrative units. Prior to his time as a Manager, he was an Enforcement Analyst and Probation Monitor. Mr. Stephanopoulos has already conveyed how impressed he is with the enforcement team's dedication to consumer protection, willingness to go the extra mile, and overall engagement in the process, and is excited to collaborate with staff.

In late October, enforcement staff attended a training on utilizing DCA's BreEZe database more efficiently. Management will be meeting with the BreEZe team to facilitate additional trainings to further increase the Enforcement Unit's BreEZe usage and understanding.

From November 13 through November 15, the Enforcement Unit will be attending a National Certified Investigator & Inspector Training produced by the Council on Licensure, Enforcement & Regulation. This course provides hands-on training and certification in investigation and inspection techniques and procedures, which will expand the knowledge and skills of enforcement staff.

Complaint Investigation



Due to recent staff changes and prior vacancies in the enforcement unit, the number of cases pending at intake for FY 18/19 has risen to 141. However, with the office technician position now filled and the incumbent quickly picking up the process, this number should drop quickly. Further, overtime has been offered to the enforcement staff on a temporary basis to immediately address the intake backlog.

The Board received a total of 235 complaints during the first quarter of the 18/19 fiscal year, bringing our number of total pending cases up to 1199. Management is in the process of investigating the cause of increase in complaints between FY 16/17 and FY 17/18 to determine whether there is a catalyst or if it is a matter of data cleanup (or both).

Probation Monitoring

The Board is currently monitoring a total of 104 probationers on active probation.

The Board currently has a total of 15 Petitions to Revoke Probation pending against probationers for issues of non-compliance.

Enforcement Forecast

Due to the number of pending complaints, the Enforcement Manager will be performing a series of one-on-one meetings with staff to address this increased caseload. During these meetings, current staff processes will be mapped to determine if there are opportunities for improvement. In addition, these maps will serve as a blueprint to facilitate the creation of office procedures in the enforcement unit which can be integrated into the BreEZe database.

With the approval of legal, management has drafted licensed and unlicensed citation templates to be utilized in a large number of the Board’s outstanding investigations. With this planned uptick in citation issuances, there will be a proportional increase in the number of informal conferences and administrative hearings.

Management has met with the Division of Investigation (DOI) on multiple occasions to discuss outstanding cases and with the goal of maintaining an open dialog and ensuring clear communication through the investigative process. DOI has been very receptive to feedback and management will continue to meet with DOI staff and management to ensure the needs of the Board are appropriately being met.

As BreEZe is the Board’s centralized database, management will be meeting with the BreEZe team to explore opportunities to configure the system to streamline processes such as assigning/tracking cases and drafting/sending correspondence. In addition, the enforcement team is looking at uploading all case materials BreEZe for easier access and security.

In response to the Board’s rising Attorney General (AG) costs, management is investigating the current transmittal and communication process with the AG’s Office, in hopes of identifying opportunities to reduce cost. The Enforcement Manager will be keeping close tabs on the AG billing statements to ensure the budget is fiscally maintained.

Statistical Report

Complaints and Convictions										
Complaints Received	281	238	265	238	1022	235				235
Convictions Received	20	22	22	15	79	14				14
Average Days to Intake	3	3	7	12	6	50				50
Closed at Intake	0	0	0	0	0	1				1
Pending at intake	0	4	28	20	20	141				141

UNLICENSED ACTIVITY COMPLAINTS RECEIVED										
Unlicensed Activity Complaints	FY 2017 - 2018					FY 2018 - 2019				
	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	YTD	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	YTD
Received	34	27	9	20	90	19				19

DESK INVESTIGATIONS										
Desk Investigation	FY 2017 - 2018					FY 2018 - 2019				
	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	YTD	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	YTD
Assigned	304	257	263	264	1088	95				91
Closed	201	268	186	114	769	98				94
Average Days to Complete	235	178	261	316	247	351				351
Pending	807	779	851	1002	1002	996				996
<i>Average Days to Complete Desk Investigations - Average cycle time from complaint receipt to closure</i>										

SWORN INVESTIGATIONS										
Sworn Investigations	FY 2017 - 2018					FY 2018 - 2019				
	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	YTD	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	YTD
Assigned	4	32	19	17	72	6				6
Closed	15	13	16	11	55	23				23
Average Days to Complete	490	279	482	345	349	279				279
Pending	60	77	81	81	81	62				62
<i>Average Days to Complete Sworn Investigations - Average cycle time from complaint receipt to closure.</i>										

ALL TYPES OF INVESTIGATIONS										
All Types of Investigations	FY 2017 - 2018					FY 2018 - 2019				
	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	YTD	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	YTD
Closed Without Discipline	176	243	155	263	837	83				83
Cycle Time - No Discipline	261	161	233	333	247	330				348
All pending cases	867	860	960	1103	1103	1199				1199

CITATIONS										
Citations	FY 2017 - 2018					FY 2018 - 2019				
	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	YTD	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	YTD
Issued	13	2	2	8	25	0				0
Avg Days to Complete Cite	703	175	753	755	596	N/A				N/A
Citations appealed	3	0	0	0	3	0				0
<i>Average Days to Issue a Citation - Average cycle time from complaint receipt to the effective date of the citation.</i>										

ATTORNEY GENERAL CASES										
Attorney General Cases	FY 2017 - 2018					FY 2018 - 2019				
	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	YTD	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	YTD
Initiated / Referred to the AG	27	19	15	5	66	10				10
Pending at the AG	95	100	95	86	86	75				75
Statement of Issues Filed	11	8	16	8	43	1				1
Accusations Filed	9	11	5	11	36	8				8

ATTORNEY GENERAL CASES										
	FY 2017 - 2018					FY 2018 - 2019				
AG Case Action	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	YTD	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	YTD
Closed Without Discipline	2	2	0	1	5	4				4
Closed With Discipline	11	10	9	15	45	12				12
Probation	7	5	7	11	30	7				7
Public Letter of Reprimand	0	0	0	0	0	1				1
Surrender of License	1	3	0	4	8	2				2
License Revoked	3	1	2	0	6	0				0
License Denied (SOI)	0	1	0	0	1	2				2
W/D, Dismissed, Declined	2	2	0	1	5	4				4
Average Days to Close	756	553	566	909	696	807				807

Average Days to Close a Discipline Case - Average cycle time from complaint receipt to the effective date of disciplinary order.

ATTORNEY GENERAL CASES										
	FY 2017 - 2018					FY 2018 - 2019				
AG Case Violation Type	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	YTD	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	YTD
Substance Abuse (A)	0	1	0	0	1	2				2
Unsafe/Unsanitary Cond (E)	0	0	0	0	0	0				0
Applicant Investigation (I)	2	3	5	6	16	0				0
Incompetence/Gross Negligence (N)	3	2	2	4	11	0				0
Unprofessional Conduct (R)	3	1	0	2	6	2				2
Criminal Conduct/Conv (V)	2	1	2	0	5	0				0
Discipline by Another State (T)	0	1	0	0	1	1				1
Unlicensed Activity (U)	1	0	0	1	2	1				1
Drug Related Offenses (D)	0	1	0	0	1	1				1
Fraud (F)	0	0	0	2	2	1				1

PROBATION										
	FY 2017 - 2018					FY 2018 - 2019				
Probation	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	YTD	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	YTD
New Probation Cases	11	4	8	8	31	10				10
Probation Completed	4	7	2	0	13	8				8
Active Cases	108	106	104	100	100	104				104
Probationary Licenses	4	1	0	1	6	0				0
All applicants pending licensure	17	22	18	16	16	22				22
Tolled	6	7	6	8	8	8				8
Petition to Revoke	4	9	12	18	18	15				15