MEMORANDUM

DATE	October 10, 2019
TO	Veterinary Medical Board
FROM	Robert Stephanopoulos. Enforcement Manager
SUBJECT	**Enforcement Report – Agenda Item 19D**

Staff Update

Shortly after the July Board meeting, the enforcement team had one of its analysts leave the Board, likely contributing to the slight increase in pending investigations (currently just over 1900). After reviewing and updating the position's duty statement to conform with current analyst duties, the vacancy was advertised via CalHR, garnering nearly 80 applications. Interviews have been conducted and it is estimated that a new analyst will be hired for this position within the next couple of weeks.

Due to their exemplary work when dealing with complex issues and their ability to work independently, Sidney Villareal and Kimberly Gorski have been promoted to the Associate Governmental Program Analyst (AGPA) classification. This is a full journey level analyst, and a step above their previous Staff Services Analyst classification, permitting both to act in a more self-directed capacity. Ms. Villareal and Ms. Gorski have both demonstrated they possess the intellectual abilities, tools, and qualifications to excel in this classification and we are extremely happy to have them on the team.

To give the enforcement team additional opportunities (other than the round table meetings) to discuss cases, policies, and any enforcement or personal issues, one-on-one meetings were conducted in early September. The aim of these meetings is to provide the team with an avenue to have a candid discussion about anything they want. Management will help, wherever possible, to address issues which could alleviate stressors, hopefully increasing team morale and overall productivity. To ensure any issues do not linger, these one-on-one meetings will be conducted monthly.

Attorney General's Office Updates

On August 21 and September 23, the Board's Deputy Attorney General (DAG) liaison, Karen Denvir, attended the enforcement team's roundtable meeting to provide case feedback and advice from a DAG point of view. During the meetings, the group discussed different investigation strategies, AG transmittal and communication suggestions, and the impact of AB2138 on conviction-related cases. In addition, the team brought some of their more complex cases, as well as citation drafts to the meeting to gain AG insight from our liaison. Further, Ms. Denvir has committed to visiting the team whenever assistance is needed, which will be at least once per month.

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<u>Expert Witness Program</u>

Thanks to the hard work of the enforcement team, expert consultants, and the MDC complaint audit subcommittee, the first quarter of this fiscal year has been a noteworthy one for the Board's expert witness program. On August 22, the newly revamped expert witness guidelines, including a veterinary-specific sample opinion were distributed to all Board-contracted expert witnesses. Upon receipt, one expert commented: "This is a WONDERFUL Guidelines document!!! It explains everything so clearly" and "It's very well written and I can see how much work went in to making it so. Thanks to you and everyone who contributed to making this so user-friendly." In addition, on August 24 and September 14, expert witness training sessions were held by the Medical Board of California, which (along with MBC experts) were attended by three Board experts and one staff member. Moreover, to get a clearer idea of the training our experts receive, additional members of the enforcement team will be attending the next expert witness training held in Sacramento.
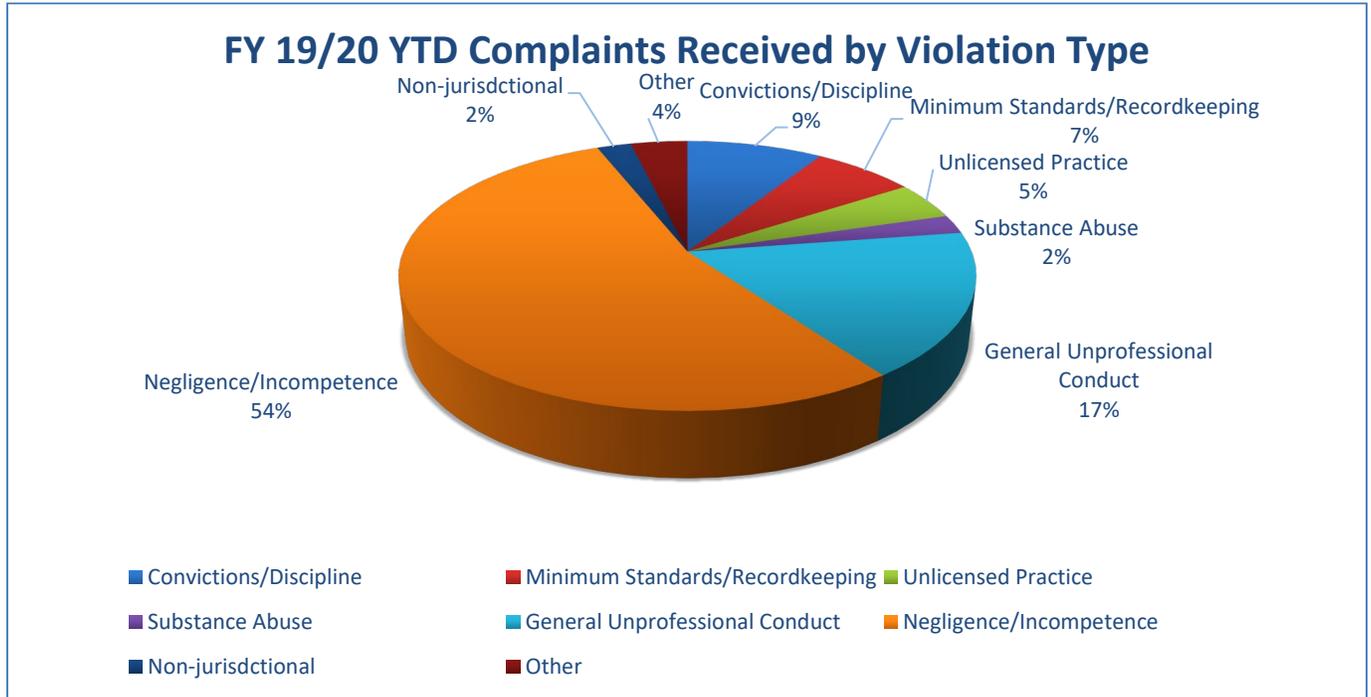
<u>Division of Investigation</u>

On August 19, members of the enforcement team met with a Division of Investigation (DOI) supervisor to review Board cases pending at DOI, potential DOI cases, and discuss the overall status of VMB enforcement. According to the stats reviewed during the meeting, the Board's usage of DOI over fiscal year 18/19 dropped to less than a quarter of what it was the prior year (the Board has yet to use DOI this FY), which should translate to eventual cost savings. In addition, the enforcement team requested staff assistance from DOI to help with the investigation backlog; however, due to DOI's own staffing issues, they are currently unable to provide the Board with any staff. As previously stated, management will continue to look for other avenues to address the enforcement backlog.

Complaint Investigation
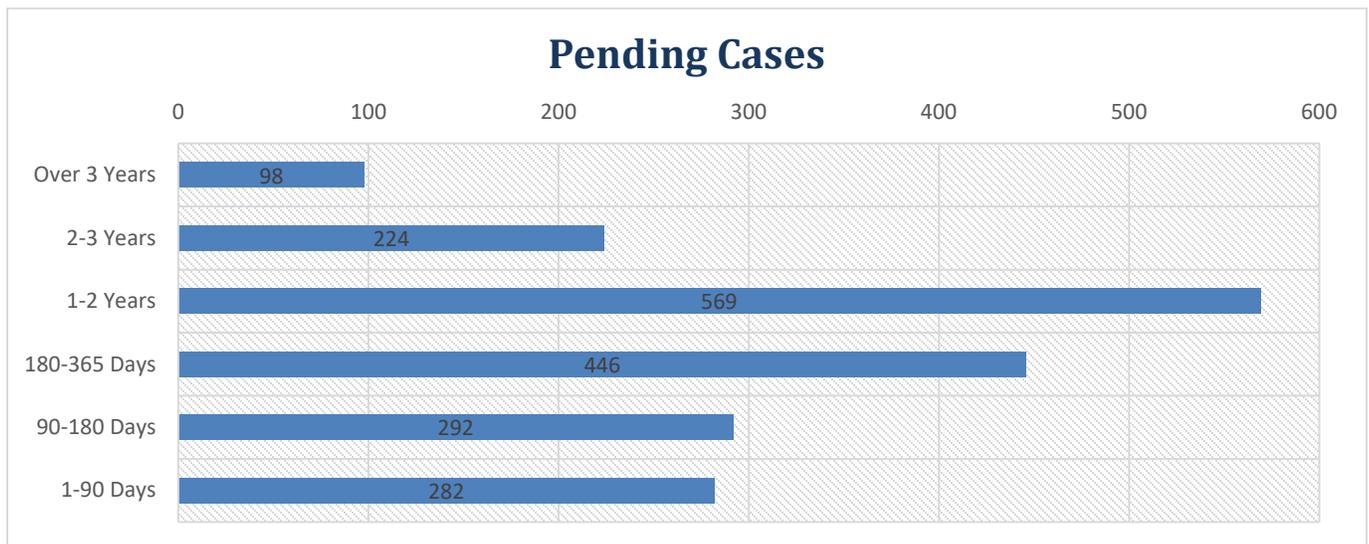
As shown in the graph above, the number of investigations over three years rose to 98 (as of September 25, 2019), which can be partly attributed to the enforcement team being down one analyst. In addition, many of these older cases were previously slated to have citations issued; however, staff is working with the Board's DAG liaison to ensure these recommendations are appropriate given the nature of the violations, evidence obtained, and elapsed time. Once the analyst position has been filled, the enforcement team will be able to better investigate these older cases.

Intake

FY 19/20 YTD Complaints Received by Violation Type

- Non-jurisdctional 2%
- Other 4%
- Convictions/Discipline 9%
- Minimum Standards/Recordkeeping 7%
- Unlicensed Practice 5%
- Substance Abuse 2%
- General Unprofessional Conduct 17%
- Negligence/Incompetence 54%

Legend:
- Convictions/Discipline
- Minimum Standards/Recordkeeping
- Unlicensed Practice
- Substance Abuse
- General Unprofessional Conduct
- Negligence/Incompetence
- Non-jurisdctional
- Other

Intake continues to assign complaints as they are received while meeting the target time frame of 10 days. Although we are only a few months into the new fiscal year, the percentages of complaint violations are reasonably consistent with fiscal year 18/19's numbers (within 1-3%). There was 6% increase in negligence/incompetence complaints and a 6% decrease in conviction cases, which reflects the prior fiscal year's bulk transfer of pending convictions from licensing to enforcement.

Mail Vote Results

STIPULATED SETTLEMENT	VOTE	RESULT
Anthony Martello, DVM (Case No. 4602019000056)	6 – Adopt	Adopt
Suzanne Kay Hanson, DVM (Case No. 4602018000478)	7 – Adopt	Adopt
Dorota Pearson, DVM (Case No. 4602017000345)	6 – Adopt 1 – Hold for Discussion	Adopt
James Clark, DVM (Case No. NV2015 292)	3 – Adopt 2 – Hold for Discussion	Hold for Discussion
Mike Adam, DVM (Case No. 4602018000137)	4 – Adopt 1 – Hold for Discussion	Adopt
PETITION FOR TERMINATION OF PROBATION	**VOTE**	**RESULT**
Shanna Tungloong, RVT (Case No. 1002102660)* *As a reminder, the Tungloong matter was provided to ensure it accurately reflected the Board's decision.*	5 – Adopt	Adopt
PETITION FOR RECONSIDERATION	**VOTE**	**RESULT**
Juan Casillas, DVM (Case No. 4602017000103)	5 – Deny 1 – Recuse	Deny
APPLICATION TO CORRECT MISTAKE OR ERROR IN DECISION	**VOTE**	**RESULT**
Juan Casillas, DVM (Case No. 4602017000103)	5 – Deny 1 – Recuse	Deny

Statistical Report

Monthly enforcement statistics for FY 19/20 are provided for your review below. Based on the data obtained for FY 19/20, complaints are projected to increase by 13% over the previous year, due in part to the transfer of applicant convictions from licensing to enforcement. Consequently, the backlog of complaints has now broken the 1900 mark; however, investigation cycle times have dropped due to the mandated investigation of applicant convictions (which are usually resolved in a matter of weeks). Thus far in FY 19/20, cycle times for discipline have dropped by 22% over FY 18/19, likely due to the efforts of enforcement to propose settlement terms upon transmittal to the AG's office, combined with the active communication with the assigned DAG. No citations have been issued this FY (yet); however, as mentioned above, enforcement is actively strategizing with Daren Denvir regarding several older cases which will likely result in the issuance of several citations in the upcoming weeks.

ENFORCEMENT STATISTICS FY 18/19 (YTD) & FY 19/20 (Monthly)

COMPLAINTS AND CONVICTIONS				
	FY2018/19	FY 2019/20		
Complaints and Convictions	YTD	July	August	YTD
Complaints Received	1215	118	110	228
Convictions Received	123	16	12	28
Average Days to Intake	44	6	9	7
Closed at Intake	2	0	0	0
Pending at intake	26	12	17	17
Average Days to Intake - Average cycle time from complaint received, to assignment to an investigator.				
UNLICENSED ACTIVITY COMPLAINTS RECEIVED				
	FY 2018/19	FY 2019/20		
Unlicensed Activity Complaints	YTD	July	August	YTD
Received	72	0	8	8
DESK INVESTIGATIONS				
	FY 2018/19	FY 2019/20		
Desk Investigation	YTD	July	August	YTD
Assigned	1133	134	109	243
Closed	512	55	119	174
Average Days to Complete	269	117	191	168
Pending	1790	1868	1860	1860
Average Days to Complete Desk Investigations - Average cycle time from complaint receipt to closure				

SWORN INVESTIGATIONS

Sworn Investigations	FY 2018/19	FY 2019/20		
	YTD	July	August	YTD
Assigned	20	0	0	0
Closed	60	0	0	0
Average Days to Complete	378	N/A	N/A	N/A
Pending	40	40	40	40
Average Days to Complete Sworn Investigations - Average cycle time from complaint receipt to closure.				

ALL TYPES OF INVESTIGATIONS

All Types of Investigations	FY 2018/19	FY 2019/20		
	YTD	July	August	YTD
Closed Without Discipline	509	57	141	198
Cycle Time - No Discipline	285	124	247	212
All pending cases	1779	1920	1917	1917

CITATIONS

Citations	FY 2018/19	FY 2019/20		
	YTD	July	August	YTD
Issued	13	0	0	0
Avg Days to Complete Cite	1038	N/A	N/A	N/A
Citations appealed	0	0	0	0
Average Days to Issue a Citation - Average cycle time from complaint receipt to the effective date of the citation.				

ATTORNEY GENERAL CASES

Attorney General Cases	FY 2018/19	FY 2019/20		
	YTD	July	August	YTD
Initiated / Referred to the AG	77	1	1	2
Pending at the AG	114	111	110	110
Statement of Issues Filed	7	0	1	1
Accusations Filed	22	2	1	3

ATTORNEY GENERAL CASES CLOSURES				
	FY 2018/19	FY 2019/20		
AG Case Action	YTD	July	August	YTD
Closed without Discipline*	5	0	3	3
Closed with Discipline	53	4	7	11
Average Days to Close (Discipline)	888	695	696	696
Average Days to Close a Discipline Case - Average cycle time from complaint receipt to the effective date of disciplinary order. **Closed without discipline relates to cases which have been withdrawn, dismissed, or declined by the AG's office.*				

PROBATION				
	FY 2018/19	FY 2019/20		
Probation	YTD	July	August	YTD
New Probation Cases	26	1	3	4
Probation Completed	23	4	0	4
Active Cases	106	102	105	105
Probationary Licenses	7	0	0	0
All applicants pending licensure	14	14	14	14
Tolled	10	10	10	10
Petition to Revoke*	15	13	12	12
*Pending petitions to revoke				