



# MEMORANDUM

<b>DATE</b>	October 14, 2020
<b>TO</b>	Veterinary Medical Board
<b>FROM</b>	Robert Stephanopoulos. Enforcement Manager
<b>SUBJECT</b>	<b>Agenda Item 16.D. Enforcement Report</b>

### Staff Update

The Enforcement Unit continues to telecommute during the pandemic, while utilizing all available technology to try to meet our consumer protection mandate. In addition, the Unit’s bond and sense of comradery has strengthened during this time. The Unit’s nurturing, family-oriented environment has been instrumental in helping one another deal with the losses and stressors that affected the team, particularly during the first quarter of FY 2020/21 (Q1).

Videoconference team meetings continue to occur daily to ensure tracking of cases and the timely processing of potential issues. The first portion of these meetings is dedicated to staff discussing personal and/or world events to help alleviate the emotional rollercoaster we are all on. Each team member then gives an overview of the tasks they are working on, as well as the challenges they are immediately facing. During this time, other team members can provide feedback, and in many cases, volunteer to assist with the mountain of tasks each staff member is tackling.

The Board’s 2019/20 Budget Change Proposal (BCP) positions were approved at the beginning of this fiscal year and were advertised in September. The Board received around 100 applications for the six Associate Governmental Program Analyst positions, which will be tasked with addressing the significant complaint backlog. Due to the respectable candidate pool and high-quality candidates within the pool, management reviewed the applications and selected 20 applicants to interview this month. As a result, all of these positions should be filled in November.

### Office of the Attorney General (AG’s Office)

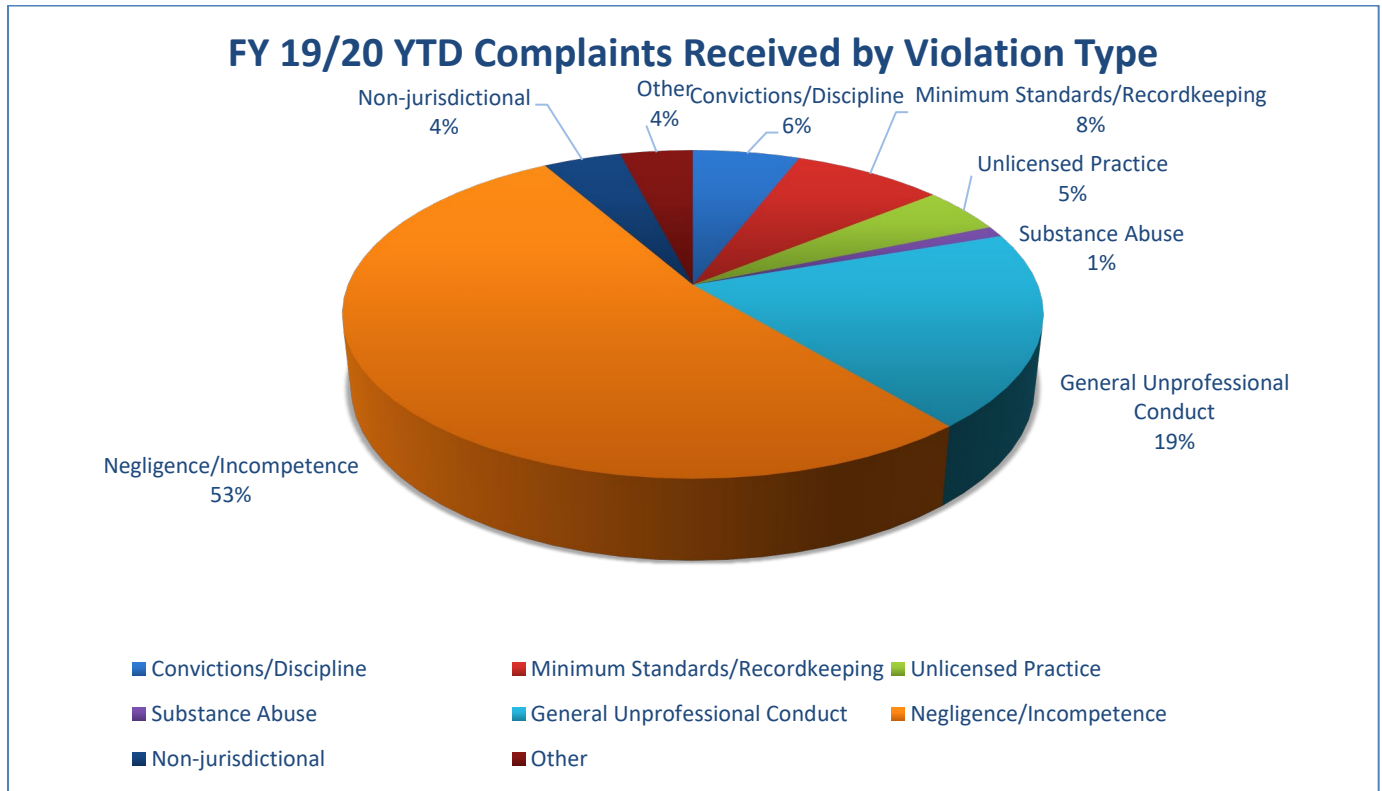
As discussed during the July 2020 Board meeting by Carl W. Sonne, the new Senior Assistant Attorney General for the Licensing Section of the AG’s Office, the Enforcement Unit continues to work hand-in-hand with the AG’s Office to ensure timely and appropriate discipline. Further, our Deputy Attorney General (DAG) liaison, Karen Denvir, has advised that a new secure electronic protocol will be available for the transmission of cases and related documents to the regional AG offices. This protocol will allow for quicker transmission, assignment, and prosecution of cases.

Disciplinary case cycle times have risen each subsequent month of FY 2020/21, consistent with the Board’s focus on working the oldest cases. As previously mentioned, these cycle times will continue to rise until the increasing backlog of pending complaints can be addressed with additional staff.

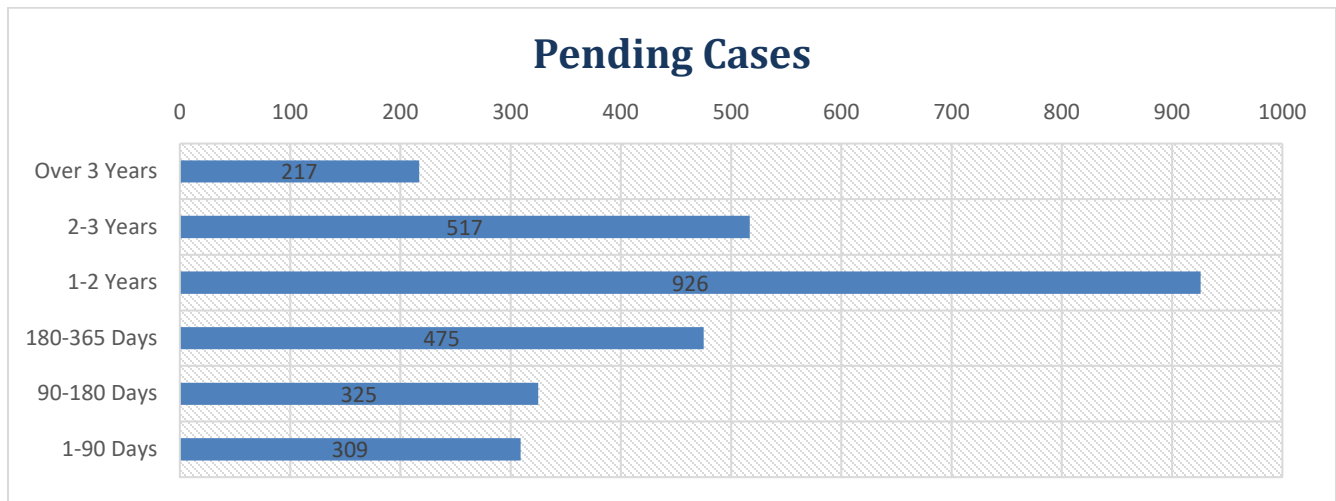
### Intake

Due to an increase in complaints received in August, as well as staffing shortages, complaints at intake rose to 62, while cycle times similarly increased to 20 days. Unfortunately, this moved the average days to assign a complaint up to 13 days, which is three days more than our target cycle time. Fortunately, in September, the complaint assignment cycle times returned to 10 days. Based

on the number of complaints received thus far, the Board is projected to receive its highest number of annual complaints.



**Investigation**



August was an extremely tough month for the Enforcement Unit, as one of our analysts was out of the office due to a devastating family loss, which affected the whole team. In response, the team came together, assisting with cases to prevent stagnation of the cases at the AG’s Office and DOI. Consequently, this shifting of duties affected overall investigative efforts, stalling the closure of older cases, resulting in lower closures and cycle times. Fortunately, the team recovered in September, closing the same number of cases in July and August combined, with an expected higher cycle time due to the older case closures.

### Division of Investigation (DOI)

Due to the receipt of a high-priority case, it was necessary for staff to request the services of DOI during Q1. As previously discussed, staff always examines the necessity of utilizing DOI instead our Inspections Unit; however, in cases such as animal cruelty and substance abuse, as well as cases requiring an undercover operation, DOI must be utilized.

In addition, staff has done a great job of collaborating with assigned investigators and preventing cases from stagnating. This has resulted in an average time of 112 days to complete DOI investigations in FY 2020/21, whereas prior years typically averaged a year or longer.

### Survey Results

The Enforcement Unit implemented a new survey to gauge customer satisfaction regarding different aspects of the enforcement process. Links to these surveys are attached to the email signature block of each staff member. The Enforcement Unit has received a total of four responses to these surveys, two of which were licensees requesting information on laws and regulations and two of which were consumers who wanted to file a complaint. The feedback received for the most part was split evenly between very satisfied to quite dissatisfied; however, with such a small sample size, it is too early to get a full picture of overall satisfaction with enforcement. The Enforcement Unit will continue to expand the use of its surveys to proactively garner more feedback.

### **Strategic Plan Accomplishments for FY 2020/21**

#### Obtain Additional Staff (Strategic Plan Objectives 1.1 and 1.6)

As mentioned above, the six analyst positions requested in the Board's Budget Change Proposal will be filled next month. These analysts will be given the tools and support to succeed and further the Board's goals, while reducing the backlog of complaints.

#### Website Update (Strategic Plan Objectives 1.3, 1.4, and 1.5)

The Board's website has been updated to include a new web page for Public Access to Disciplinary Actions and Citations, which will provide a list by year, beginning with 2020, of all citations and disciplinary actions. The link to each year will list each citation and disciplinary action, a short summary of each individual action, and a link to the citation or disciplinary action. At this time, all 2020 Board disciplinary actions, including citations for unlicensed practice, have been loaded to the web page. By providing access to disciplinary action and citation information on the Board's website, consumers will have greater access to information, which will greatly contribute to consumer protection.

#### Complaint Process Mapping (Strategic Plan Objectives 1.1, 1.6, 1.9, and 1.10)

The Enforcement staff continues to work with the Department of Consumer Affairs' (DCA) Organizational Improvement Office to map out the Board's current procedures related to each aspect of enforcement. As mentioned above, these process maps will directly contribute to streamlining the enforcement process, improving staff training, developing procedure manuals, and increasing enforcement efficiency.

#### Collaboration (Strategic Plan Objective 1.11)

As mentioned above, the Enforcement Unit continues to meet with representatives from DOI and the AG's Office to ensure high-quality consumer protection. In addition, the Board will continue to utilize technology to better interface with other agencies.

#### Complaint Priority (Strategic Plan Objective 1.12)

Complaints continue to be prioritized pursuant to Business and Professions Code (BPC) section [4875.1](#) and are investigated based on the age of these high-priority complaints. As mentioned

above, the number of complaints at intake remains at a manageable level for the two intake technicians.

Promoting Transparency (Strategic Plan Objective 1.14)

Although, to date, few survey responses have been returned, the enforcement survey provides consumers and licensees the ability to provide feedback to the Board, consistent with promoting transparency via additional communication outlets. The team will continue to disseminate this survey to obtain valuable feedback from stakeholders.

**Disciplinary Action Vote Results**

STIPULATED SETTLEMENT	VOTE	RESULT
Sehaj Grewal (Case No. 4602017000191)	7 – Adopt	Adopt
Carlos Lopez; Brookhurst Animal Medical Center (Case No. 4602019000193)	7 – Adopt	Adopt
PETITION FOR RECONSIDERATION	VOTE	RESULT
Tejpaul Ghumman, DVM; Alta Vista Veterinary Hospital (Case No. 4602017000814)	6 – Deny 1 – Grant	Deny

**Petition Hearings**

PETITION FOR REINSTATEMENT / TERMINATION OF PROBATION	VOTE	RESULT
Sue Morizi (Case No. 1002055931)	7 – Deny	Deny
Beth Schultz (Case No. 4602017001027)	7 – Grant	Grant
Brian Hosking (Case No. 4602016000391)	7 – Deny	Deny
Susie Aviles (Case No. 1002086455)	7 – Grant	Grant
Elyse Kent (Case No. 1002066442)	7 – Grant	Grant

**Performance Measures**

COMPLAINTS AND CONVICTIONS						
	FY 2018/19	FY 2019/20	FY 2020/21			
	YTD	YTD	Jul.	Aug.	Sep.	YTD
Complaints and Convictions	YTD	YTD	Jul.	Aug.	Sep.	YTD
Complaints Received	1215	1139	112	131	95	338
Convictions Received	123	166	6	12	14	32
Average Days to Intake	44	10	9	20	10	13
Closed at Intake	2	1	0	0	0	0
Pending at intake	26	6	42	62	12	12
<i>Average Days to Intake - Average cycle time from complaint received, to assignment to an investigator.</i>						
UNLICENSED ACTIVITY COMPLAINTS RECEIVED						
	FY 2018/19	FY 2019/20	FY 2020/21			
	YTD	YTD	Jul.	Aug.	Sep	YTD
Unlicensed Activity Complaints Received	YTD	YTD	Jul.	Aug.	Sep	YTD
Received	72	60	6	8	3	17

<b>DESK INVESTIGATIONS</b>						
	FY 2018/19	FY 2019/20	FY 2020/21			
Desk Investigation	YTD	YTD	Jul.	Aug.	Sep	YTD
Assigned	1133	1332	84	123	158	365
Closed	512	625	28	21	49	98
Average Days to Complete	269	309	272	6	279	219
Pending	1790	2416	2530	2632	2734	2734
<i>Average Days to Complete Desk Investigations - Average cycle time from complaint receipt to closure.</i>						
<b>SWORN INVESTIGATIONS</b>						
	FY 2018/19	FY 2019/20	FY 2020/21			
Sworn Investigations	YTD	YTD	Jul.	Aug.	Sep	YTD
Assigned	20	11	0	0	1	1
Closed	60	11	1	1	1	3
Average Days to Complete	378	550	137	50	148	112
Pending	40	12	11	10	10	10
<i>Average Days to Complete Sworn Investigations - Average cycle time from complaint receipt to closure.</i>						
<b>ALL TYPES OF INVESTIGATIONS</b>						
	FY 2018/19	FY 2019/20	FY 2020/21			
All Types of Investigations	YTD	YTD	Jul.	Aug.	Sep	YTD
Closed Without Discipline	509	639	25	23	50	98
Cycle Time - No Discipline	285	277	233	117	308	244
All pending cases	1779	2434	2583	2704	2756	2756
<b>CITATIONS</b>						
	FY 2018/19	FY 2019/20	FY 2020/21			
Citations	YTD	YTD	Jul.	Aug.	Sep	YTD
Issued	13	24	0	0	3	3
Avg Days to Complete Cite	1038	1316	N/A	N/A	1492	1492
Citations appealed	0	1	0	0	0	0
<i>Average Days to Issue a Citation - Average cycle time from complaint receipt to the effective date of the citation.</i>						
<b>ATTORNEY GENERAL CASES</b>						
	FY 2018/19	FY 2019/20	FY 2020/21			
Attorney General Cases	YTD	YTD	Jul.	Aug.	Sep	YTD
Initiated / Referred to the AG	77	34	5	1	1	7
Pending at the AG	114	99	93	85	81	81
Statement of Issues Filed	7	3	0	0	0	0
Accusations Filed	22	16	0	1	0	1
<b>ATTORNEY GENERAL CASES CLOSURES</b>						
	FY 2018/19	FY 2019/20	FY 2020/21			
AG Case Action	YTD	YTD	Jul.	Aug.	Sep	YTD
Closed Without Discipline*	5	5	0	2	1	3
Closed With Discipline	53	33	3	4	1	8
Average Days to Close (Discipline)	888	1148	971	1356	1523	1233
<i>Average Days to Close a Discipline Case - Average cycle time from complaint receipt to the effective date of disciplinary order.</i>						
<i>*Closed without discipline relates to cases which have been withdrawn, dismissed, or declined by the AG's office.</i>						