



MEMORANDUM

DATE	January 5, 2021
TO	Multidisciplinary Advisory Committee (MDC)
FROM	Complaint Process Audit Subcommittee (Subcommittee) Kevin Lazarcheff, DVM Christina Bradbury, DVM
SUBJECT	Agenda Item 8. Update from the Complaint Process Audit Subcommittee

Expert Witness Training

Shortly after the prior MDC meeting, the Board's DAG liaison, Karen Denvir drafted an expert witness training PowerPoint presentation, which was provided to Board staff for review. Board staff, management, and the Complaint Process Audit Subcommittee (Subcommittee) reviewed and edited the presentation, and the edited draft was returned to Ms. Denvir in December for final review and approval. Upon approval, a training date will be scheduled in coordination with Ms. Denvir, the Board expert witnesses (Experts) and the Subcommittee. Our goal is for training to occur shortly after the January 2022 Board meeting. During this training session, one of the Subcommittee members will be providing a refresher to our Experts on effective ways to find information and utilize reference materials when researching appropriate standard of care and drafting their Expert Opinions.

Meeting with Board Management

The Subcommittee and Board Management met in December to discuss the future direction of the Subcommittee's scope of work. Topics discussed included complaint reviews, case examples for training Experts, creating a reference library for Experts to utilize, and reviewing the criteria currently used to choose subject matter experts (SME).

Complaint Review

Previously, the Subcommittee had reviewed closed cases and critiqued them, in an effort to improve outcomes from written Expert Opinions and provide Experts with feedback. In reviewing this, we noted that the cases being reviewed were from several years ago, and many of our recommendations had already been implemented. Further, some of the Experts were no longer providing service to the CVMB. Therefore, in the interest of effectively utilizing the time of staff and the Subcommittee, case reviews are going to be paused until the Board begins to finalize cases which reflect all process changes and utilize current Experts.

Real Life Examples for Expert Training

Experts who attend the Medical Board of California's expert witness training are provided with a reference booklet which contains a section called "you make the call." This section provides real life scenarios to the Expert, who are asked to make a determination on whether the scenario exhibits no departure, simple departure, extreme departure or other (related to the standard of care). Unfortunately, this section is focused on the practice of human medicine and as a result,

our Experts have asked for something similar for the practice of veterinary medicine. Based on this feedback, the Subcommittee will be drafting a veterinary-specific set of scenarios to sharpen the skills of our Experts.

Expert References

During case reviews, the Subcommittee found that references for material facts were rarely utilized in the Expert Opinion, which may have affected the overall outcome of some cases. Appropriate reference material would bolster Expert Opinions validity, and may be clearer and more convincing to laypeople when presenting a standard of care. Therefore, Board staff is working on creating a resource/reference list to add to the Expert training manual. Additionally, staff will be looking at making appropriate resources available to our Experts, possibly through a shared electronic library.

SME Criteria

To ensure the Board is getting the best Experts around, the Subcommittee inquired about other boards' requirements to become an Expert. In response, Board staff reached out to the DCA Enforcement User Group to find out about the Expert requirement of other DCA programs. These responses were compiled by staff and the Subcommittee is reviewing the information to determine whether the Board's current Expert criteria should be changed. A preliminary review indicates that many other DCA programs have similar Expert requirements to the Board. The Subcommittee will be meeting again before the next Board meeting to review and refine these requirements, if needed.

Subcommittee Member Change

Dr. Lazarcheff has been an amazing asset to the Subcommittee and has been working on this for the MDC for several years now and will be stepping down. Dr. Sequoia will be joining the subcommittee and joining Dr. Bradbury. Thank you, Dr. Lazarcheff for all of your hard work!