



# MEMORANDUM

<b>DATE</b>	July 8, 2022
<b>TO</b>	Veterinary Medical Board (Board)
<b>FROM</b>	<u>Enforcement Managers</u> Matt McKinney Patty Rodriguez Robert Stephanopoulos
<b>SUBJECT</b>	<b>Agenda Item 18.C. Enforcement Report</b>

## Staff Update

During the April Board meeting, the provided organizational chart contained the names of some of the Board’s newly hired staff members, which was based on a future start date. Those staff members have since started with the Board.

The first of these previously-referenced individuals is Kenny Seunarine, who is new to state service and comes to us from Placer Title Company, where he oversaw logistics and was in facilities management prior to that. Kenny has already shown his enthusiasm for the Board’s mission by taking on the task of contracting and paying the Board’s experts.

In May, the Board’s other long-vacant enforcement technician position, was filled by Tammi Gualano, who subsequently accepted a promotional position with DCA’s Central Cashiering Unit in June. Management has already submitted the package to repost this position and will conduct interviews in July and hire someone shortly thereafter.

As previously mentioned, due to the significant cost savings found in enforcement and licensing, the Board received approval to hire four additional limited-term enforcement analysts, which will be absorbed by the Board’s existing budget allocation. The objective of these analyst positions is to assist the Board with its complaint investigation backlog.

Interviews for the four limited-term analysts were held in May and the first position was filled by an internal candidate – Rachel Adversalo. Ms. Adversalo transitioned from the Licensing Unit to the Enforcement Unit in December of 2021, as the Board’s Probation Technician, and was instrumental in organizing and coding probationer documents and information. With her promotion to an analyst, we are excited to have her work ethic assist the Board in reducing the backlog.

The second of the limited-term positions was also filled in May by Merlene Francis. Ms. Francis comes to us from the Medical Board of California’s (MBC) discipline unit. She possesses extensive enforcement knowledge gained from MBC and the Board of Vocational Nursing and Psychiatric Technicians. Ms. Francis started with the Board at the end of June, as MBC kept her for 30 days; however, we are eager to see her experience applied to Board investigations.

Offers have been made to candidates for the two remaining positions; management anticipates filling these positions this month.

### **Inspections**

The Board ended FY 2021/2022 with 10 routine inspections and 31 complaint related inspections. This year staff issued six citations to managing licensees and facilities who had violations that were repeated from prior inspections and/or failed to demonstrate compliance with the minimum standards. Staff is preparing to resume routine inspections later this month.

The Board was recently informed that it received \$600,000 grant to assist in the development of the much-anticipated mobile inspection app. Board management and staff will begin taking the next steps to implement this powerful tool.

The Board recently contracted one of its former inspectors, Dr. Jeni Goedken, as a Board consultant. Dr. Goedken has 17 years of veterinary experience and received her degree from the University of Illinois, where she was chief veterinarian at an animal shelter. She then relocated to California where she continued practicing and was an expert witness and inspector for the Board. With Dr. Goedken on board, Board staff will be able to reach out to get input on veterinary issues and insight into the veterinary world, to assist in determining whether a case would require an expert review.

### **Inspections Mobile App**

In February 2022, the Board's Executive Officer was informed that, due to limited resources, DCA's Office of Information Services (OIS) would not be able to start developing the inspection mobile app for at least another year. It was explained that the only way OIS could obtain more resources was to contract for additional staff, which would significantly increase the cost to develop. After seeking alternative options, OIS informed the Board's EO of a "long shot" idea to apply for funding from the California Department of Technology's Technology Modernization Fund (TMF).

Building upon the [success of coronavirus-related technology acquisitions](#), California's Governor made a \$25M fund available to the California Department of Technology (CDT) to demonstrate an accelerated technology project review and funding approval process.

As stated on their [website](#), "The TMF was established to make immediate investments in IT that will yield quick and meaningful results for the people of California. CDT invites California state departments or entities to submit business challenges that require an IT solution to modernize government and improve digital services for California residents and state employees. This will enable departments to deliver timely business modernization wins through a high-value proof of concept, fulfill an immediate need, and optimize services for digital government. A strong commitment from the department's business and IT leadership and team capability are required to be successful."

The CDT has the following multi-stage application process to award TMF funding:

1. The CDT posts an open call for submissions, where California state departments submit business challenges through an online portal.

2. After the application period, the CDT and state executives use the backend of the online portal to evaluate project proposals against a readiness assessment.
3. Departments whose proposals pass the readiness assessment are paired with a Human-Centered Design firm to solidify their problem statements and prepare them for a pitch day.
4. On pitch day, departments present their projects to a selection committee composed of Undersecretaries and Chief Deputy Directors in the state. The selection committee uses the evaluation function within the Business/Stakeholder Analysis module.
5. After pitch day, projects deemed most suitable for TMF funding receive the award.

The Board's EO worked with OIS, the Dental Board of California, and the California Board of Barbering and Cosmetology to apply for \$600,000 to fund the mobile app development. In May, the Boards and OIS participated in workshops to learn how to develop and deliver their pitch, which focused on humanizing the problems we sought to address through our inspection app. Pitch Day was held on June 1. During a meeting on June 30, CDT notified the Boards and OIS that they were awarded the full amount.

OIS is working on procurement for the Boards, and once the vendor is selected, design and development will begin. In total, the project should take no longer than 12 months to complete.

### **Intake**

The Board ended FY 2021/2022 meeting the 10-day performance target while receiving more complaints than any other prior year (just under 1700 total complaints). Once the Board refills the now vacant intake technician position, it should be able to maintain the performance target to open and assign cases.

As previously mentioned, the Board received a significant number of unlicensed practice complaints in the first half of the fiscal year; however, these complaints returned to normal levels, leaving the Board with about 57% more unlicensed complaints this fiscal year over the prior year.

Negligence and/or incompetence allegations still make up the majority of complaints received at 38%; however, this number has dropped when compared to the prior year, due to a rise in complaints regarding minimum standards and recordkeeping.

### **Investigations**

The Board ended FY 2021/22 with approximately 3,856 cases pending, which is about 300 higher than the prior year's pending number; however, it should be noted that FY 2020/21's pending cases had jumped by over 900 when compared to the previous fiscal year (FY 2019/20). Just under 700 of the Board's pending cases are over three years old, and the directive of the Board continues to be working on the oldest cases, while complying with our statutory priority set forth in Business and Profession Code [§4875.1](#).

With the added staff, merging of the Inspections Unit with the Enforcement Unit, and focus on one on one meetings, case closures began to rise significantly in November of 2021, continuing through FY 2021/22. Moreover, the number of monthly closures during

this period more than doubled the number closures from prior months. Similarly, average cycle times for desk investigations this fiscal year was 758 days, which is more than double the cycle time of prior years. This data points to the efforts of staff, who continue to investigate the Board's oldest cases.

Management continues to meet regularly with the entire enforcement team on an ongoing basis as well as continuing to meet with staff weekly on an individual level to assist with case progression and enforcement questions. With the additional four limited-term analysts, the Board predicts cutting into the backlog much more quickly.

The Board issued 43 citations in FY 2021/22, which averaged double the number over each of the prior two fiscal years. Cases referred to the Attorney General's office were also up, nearly doubling the prior two years. Discipline numbers appear to be lower than prior years; however, it should be noted that due to coding changes FY 2021/22 displays the number of matters with discipline as opposed to previous years which showed the total number of cases that ended in discipline. As Board staff work the oldest investigations, cycle times for discipline and citations continue to be high.

### **Expert Witness Program**

The MDC's Complaint Audit Subcommittee (Subcommittee), made up of Drs. Bradbury and Sequoia, met to discuss some of the goals and timeframes of the Subcommittee. These include crafting scenarios for Board experts to use, revisiting the requirements to become an expert, and looking into a resource library for Board experts.

In addition, finalized case reviews have been resumed by the Subcommittee; however, these will be focused on cases which contain the report of a current Board expert. The feedback from the Subcommittee will then be provided to these experts, to ensure their future reports are even stronger.

### **Probation**

The Probation Monitors are actively investigating 101 pending enforcement complaints against 35 probationers. The Probation Unit processed and referred three probationers' petitions for early termination of probation to the Attorney General's Office. Additionally, the Probation Monitors processed one probationer's voluntary surrender per the conditions of their Disciplinary Order. Two probationers were referred to the Attorney General's Office to petition to revoke probation.

The Probation Unit will now be overseeing and processing all new reinstatement petitions with the goal of streamlining and expediting the workflow process. Since the last Board meeting, the process for one reinstatement petition has been completed.

Since the last update, two licensees began their probation and 10 completed their probation, leaving 59 total probationers, 11 of which are tolled.

The Probation Unit has set the following short-term goals:

- Refer non-compliant probationers to the Attorney General's Office for petitions to revoke probation (based on case priority).
- Process the two pending petitions for early termination of probation.
- Commence digitizing paper probationer files.

- Begin a comprehensive rewrite of the probation procedure manual to reflect legal and procedural best practices.

**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 June 1, Board expenditures in Attorney General costs are \$25,520.

<b>2021/2022 Costs</b>	
May	\$9,955
Jun.	\$2,365
Jul.	\$7,040
Aug.	\$2,640
Sep.	\$275
Oct.	\$0
Nov.	\$110
Dec.	\$275
Jan.	\$880
Feb.	\$935
Mar.	\$1,045
Apr.	\$0
May	\$0
<b>Total</b>	<b>\$25,520</b>

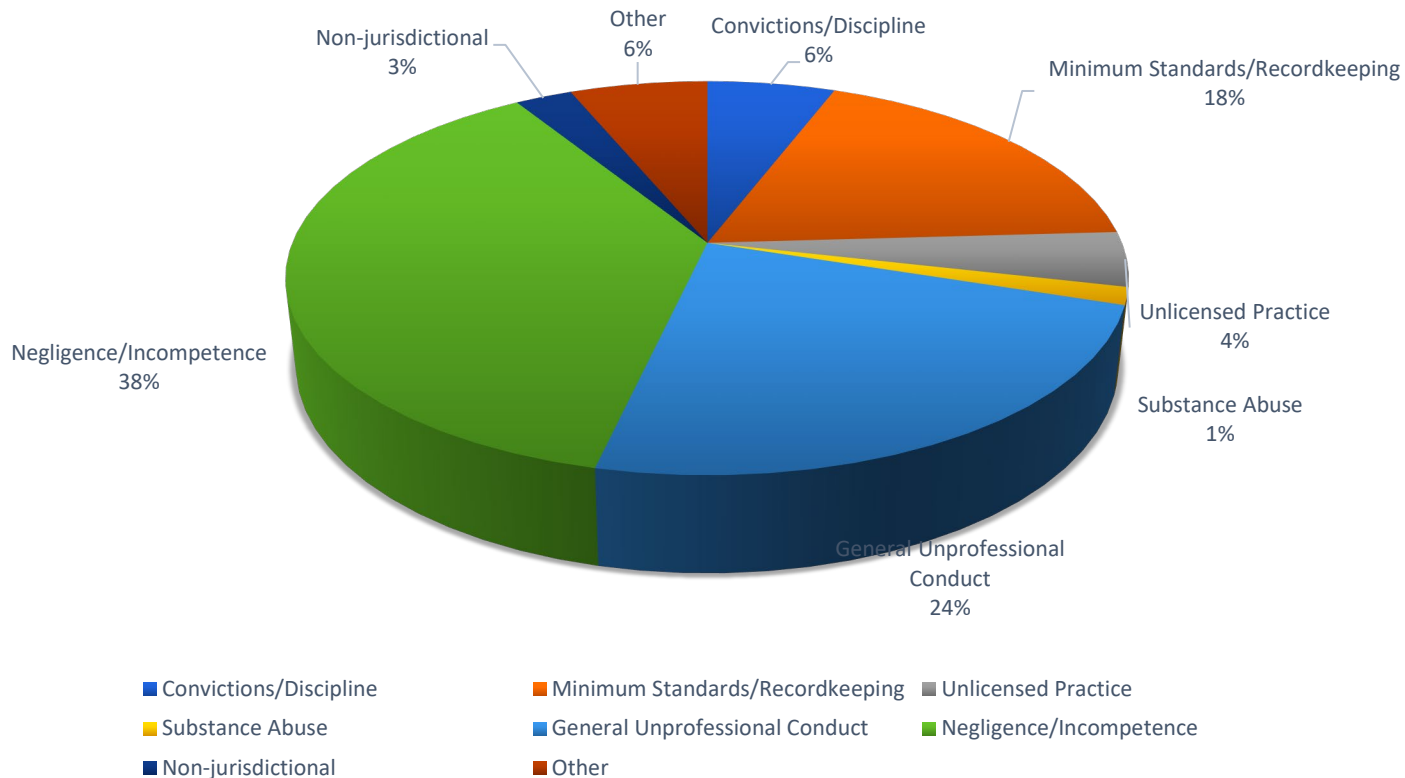
**Disciplinary Action Vote Results**

<b>DEFAULT DECISION</b>	<b>VOTE</b>	<b>RESULT</b>
Sandra Salvia, RVT (Case No. 4602019000441)	6 – Adopt	Adopt
<b>PETITION FOR EARLY TERMINATION OF PROBATION</b>	<b>VOTE</b>	<b>RESULT</b>
Jennifer K. Hartman (Case No. 4602017000277)	5 – Adopt / Confirm	Adopt
<b>PETITION FOR REINSTATEMENT</b>		
Amandeep Singh, DVM (Case No. AV 2015-26)	5 – Adopt / Confirm	Adopt

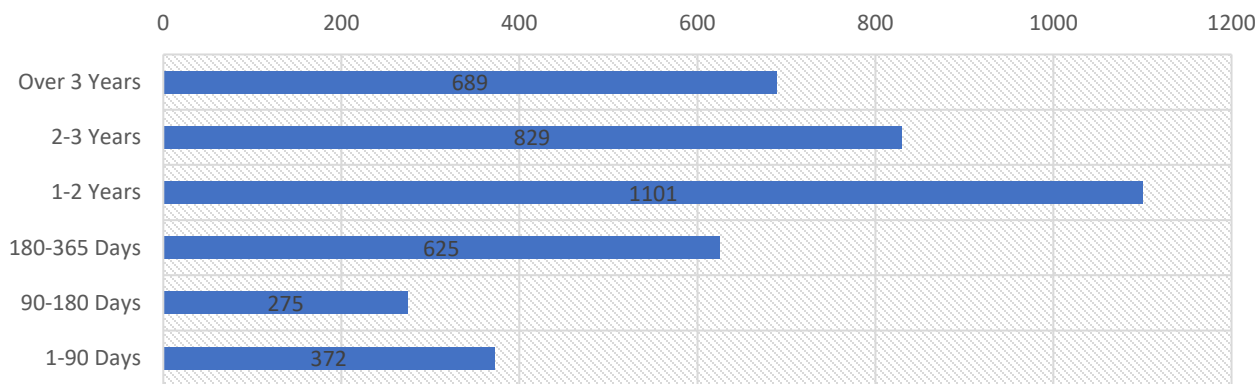
**Attachment**

1. Enforcement Statistics

### FY 21/22 YTD Complaints Received by Violation Type



### Pending Cases



COMPLAINTS AND CONVICTIONS															
	FY 2019/20	FY 2020/21	FY 2021/22												
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	YTD
Complaints Received	1139	1487	155	148	122	139	89	103	120	108	139	141	121	127	1512
Convictions Received	166	146	11	21	19	24	14	17	17	13	11	18	8	14	187
Average Days to Intake	10	11	8	6	7	11	12	18	21	13	5	5	8	4	9
Closed without Investigation	1	4	0	7	5	2	3	0	22	9	18	2	8	1	77
Pending at intake	6	18	36	35	21	49	53	129	45	50	15	36	26	14	14
UNLICENSED ACTIVITY COMPLAINTS RECEIVED															
	FY 2019/20	FY 2020/21	FY 2021/22												
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	YTD
Received	60	68	14	16	14	12	6	7	6	5	5	7	3	12	107
DESK INVESTIGATIONS															
	FY 2019/20	FY 2020/21	FY 2021/22												
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	YTD
Assigned	1332	1583	150	161	151	135	100	44	199	106	171	138	133	158	1646
Closed	625	524	49	56	77	77	127	140	115	131	140	136	131	136	1315
Average Days to Complete	309	338	650	584	832	781	767	937	738	830	653	584	823	790	758
Pending	2416	3501	3,565	3,670	3,744	3,802	3,775	3,680	3,764	3,739	3,772	3,776	3,780	3,798	3798
SWORN INVESTIGATIONS															
	FY 2019/20	FY 2020/21	FY 2021/22												
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	YTD
Assigned	11	12	2	0	9	0	2	9	2	4	2	6	2	8	46
Closed	11	11	1	0	0	1	2	1	0	4	4	0	1	0	14
Average Days to Complete	550	159	215	N/A	N/A	91	281	438	N/A	262	87	N/A	1	N/A	193
Pending	12	13	13	13	22	21	21	29	31	31	29	35	36	44	44
CASE INVESTIGATIONS															
	FY 2019/20	FY 2020/21	FY 2021/22												
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	YTD
Closed Without Discipline	639	555	48	54	72	72	126	122	113	127	137	132	123	115	1241
Cycle Time - No Discipline	277	290	562	656	808	728	745	963	736	832	638	610	792	806	750
Pending complaints/investigations	2434	3532	3614	3718	3787	3872	3849	3838	3840	3820	3816	3847	3842	3856	3856
COMPLAINT RELATED INSPECTIONS															
	FY 2019/20	FY 2020/21	FY 2021/22												
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	YTD
Performed	52	24	1	2	1	0	3	3	0	3	3	5	4	6	31
Closed	19	33	3	0	1	1	1	1	0	2	1	0	1	3	14
Pending	68	51	52	54	53	52	51	54	56	55	58	62	62	62	62
Average Days to Complete	524	401	913	N/A	1459	224	331	475	N/A	1166	1557	N/A	61	451	737
ROUTINE INSPECTIONS															
	FY 2019/20	FY 2020/21	FY 2021/22												
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	YTD
Performed	134	10	0	1	2	3	2	0	1	0	0	0	1	0	10
Closed	339	22	0	0	0	1	0	1	1	1	8	2	0	2	16
Pending	91	38	38	38	38	37	37	36	35	34	26	24	24	23	23
Average Days to Complete	490	804	N/A	N/A	N/A	2072	N/A	2026	1165	1652	1451	1316	N/A	2067	1678
CITATIONS															
	FY 2019/20	FY 2020/21	FY 2021/22												
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	YTD
Citations Issued	24	17	1	2	7	4	5	7	0	1	2	5	4	5	43
Avg Days to Complete Cite	1316	1579	1,568	1,554	1,010	1,316	1,260	1,503	N/A	313	1,062	1,182	1,508	1,705	1319
Citations appealed	1	2	0	0	2	0	0	1	0	0	0	0	0	0	3
ATTORNEY GENERAL CASES															
	FY 2019/20	FY 2020/21	FY 2021/22												
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	YTD
Initiated / Referred to the AG	34	38	3	2	2	5	2	19	1	4	2	1	8	17	66
Pending at the AG	99	54	47	48	45	48	48	55	55	57	55	52	59	76	76
Statement of Issues Filed	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Accusations Filed	16	10	1	0	2	0	0	5	0	1	1	3	1	4	18
Pet. to Revoke Probation Filed	7	1	1	0	0	1	0	0	0	0	0	0	0	0	2
ATTORNEY GENERAL CASES CLOSURES															
	FY 2019/20	FY 2020/21	FY 2021/22												
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	YTD
Closed Without Discipline	8	2	0	0	3	0	0	0	0	0	0	0	0	0	3
Closed With Discipline	46	74	1	0	1	1	0	0	0	1	3	0	0	0	6
Average Days to Close (Discipline)	929	1253	659	N/A	1502	1097	N/A	N/A	N/A	576	1391	N/A	N/A	N/A	1144
PROBATION															
	FY 2019/20	FY 2020/21	FY 2021/22												
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	YTD
Initiated	-	8	1	0	1	0	0	0	0	1	0	2	0	0	5
Completed	-	27	2	3	0	1	2	2	0	1	0	2	4	4	21
Tolled	-	12	10	10	10	10	10	10	11	11	11	11	11	11	11
Total Probationers	-	75	74	71	72	71	69	67	67	67	67	67	63	59	59
Biological Fluid Testing	-	22	23	23	23	23	23	23	23	23	23	23	22	22	22