# MEMORANDUM

| DATE | March 24, 2023 |
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| TO | Multidisciplinary Advisory Committee (MDC) |
| FROM | Complaint Process Audit Subcommittee (Subcommittee)<br>Dianne Sequoia, DVM<br>Christina Bradbury, DVM |
| SUBJECT | **Agenda Item 7. Update from the Complaint Process Audit Subcommittee** |

## Subject Matter Expert Training

At the end of February, the Board held the first Quarterly Subject Matter Expert (Expert) training event. Compared to last year's training, this event was constructed in an informal format to provide a forum for Experts to ask general case questions, discuss review procedures, and open a dialogue on clinical care opinions in an organic environment.

The meeting was held via videoconference and the Experts had the opportunity to introduce themselves and actually see one another. This was unexpectedly a highlight, and allowed them to get to know one another which hopefully fosters camaraderie and a supportive environment moving forward.

After introductions, management presented high-level enforcement statistics and challenges facing the Board, like the significant case backlog. The Experts were very engaged and inquired about investigation numbers, timelines, and enforcement steps, helping them understand the process better.

The Board's Deputy Attorney General (DAG) liaison, Karen Denvir provided input from the Attorney General's Office. Ms. Denvir reported that she had multiple reports of positive feedback from DAG's regarding VMB Experts and the improvement they have seen in their reports. This was another highlight of the training for the Experts.

Ms. Denvir also covered concerns surrounding testifying and what to expect during an administrative hearing, which will likely result in another training session centered on this topic. Additionally, she offered recommendations on components of a review that are extremely helpful to DAGs, like a definitions section.

The Complaint Process Audit Subcommittee (Subcommittee) discussed findings from case reviews and our overall impressions of the Expert reports we had reviewed.

Additionally, we responded to the comments from the 'real-world' scenario survey sent to the Experts at the end of 2022. This led to a deep discussion amongst the group about 'standard of care'. Specifically, what it is, how to establish it, and how different situations may factor into that determination. Further, we discussed the difference between the 'gold standard' and 'minimum standard', and how this might apply in the construction of a review.

Some of the other topics covered during this training included:

- How violations involving a subsequent treating veterinarian (not mentioned in the complaint) factor into a complaint review.
- Establishing the severity of departures found during an Expert review.
- Items that should/shouldn't be included in a report.
- Recommended order to review an investigative file (medical records first, then look at the complaint, etc.).
- Examples of "good reports," according to staff, veteran Experts, and the Attorney General's Office.
- Suggestions on case assignment, organization, and review (PDF(s), multiple case reviews, payment for grouped cases).
- Requests for staff, DAG, and seasoned Expert feedback on case reviews to improve readability and overall strength.
- Discussion on record keeping violations vs. failure to perform.

In addition, the more seasoned Experts provided tips and input on how to begin reviewing a case, information to look for, and things to avoid. Several newer Experts asked about contacting the seasoned Experts for additional general guidance.

Finally, the Board's Continuous Improvement Team was able to convey staff feedback during the training, but will have more to provide during the next scheduled training (set for May). The next training will also have short presentations on specific topics fundamental to all Expert reviews.

The training was tremendously informative to all involved, and feedback from those who attended was extremely positive.

## Case Reviews
Due to the lack of final discipline during the prior quarter and the fact that some of the enforcement actions taken were still in the appeals phase, no case reviews occurred since the prior Board meeting. Once additional final enforcement actions are publicly posted (involving an Expert), case reviews will continue.

## Case Priority
As part of the Board's Strategic Plan, with a targeted completion date of the third quarter of 2023, the Subcommittee will begin examining the effectiveness of the Board's

complaint prioritization (defined in Business and Professions Code §4875.1). As previously reported, due to the high number of complaints alleging death and/or serious harm, a significant portion of complaints received fall into the highest priority category, making triaging more difficult. To properly analyze the effectiveness of this priority system, other boards will be contacted regarding their complaint priorities to determine whether statutory changes are necessary.

**<u>Consultants</u>**
Currently there is a bottleneck in the case review system, with hundreds of cases waiting for review by an Expert. Given the fact that over 90% of cases are closed without a violation or with an educational letter for medical record keeping, it has become apparent that many of these cases may not need an Expert to review every one of them. However, Analysts are unable to determine this since they are not veterinarians. Due to this fact, the Board is utilizing five Veterinary Consultants (Consultants), who will be initially looking at casefiles to determine whether they need to move forward with an Expert review or can be closed/educated. If the Consultant finds no violation or minor record keeping issues, they will write a report for the analyst to close without moving to an Expert. Should the Consultant see that the case involves a potential standard of care deviation, they will advise the analyst that it needs to go to an Expert for review. We are hopeful that this will significantly improve the process.