



MEMORANDUM

DATE	December 26, 2023
TO	Multidisciplinary Advisory Committee (MDC)
FROM	Complaint Process Audit Subcommittee (Subcommittee) Cheryl Waterhouse, DVM Dianne Sequoia, DVM
SUBJECT	Agenda Item 8. Update, Discussion, and Potential Recommendation on Legislative Proposal to Amend Business and Professions Code (BPC) Section 4875.1 Regarding Complaint Prioritization

New Subcommittee Member

As mentioned during the prior quarterly meeting, Dr. Christina Bradbury stepped down from the Subcommittee, leaving big shoes to fill. However, on December 5, 2023, Board management and Dr. Sequoia, were happy to meet with and welcome Dr. Cheryl Waterhouse to the Subcommittee.

During this meeting, Dr. Waterhouse was given a rundown on the duties of the Subcommittee, as well as some of the current projects, tasks, and expectations of Subcommittee members. Dr. Waterhouse had several insightful questions and was excited to be a part of the Subcommittee and contribute her knowledge and experience into making the Enforcement program as good as it can be.

Complaint Prioritization Review

During the October 2023 meeting, the MDC and Board discussed the Subcommittee's legislative proposal to amend BPC section 4875.1 (as described in more detail [here](#)). Multiple concerns were raised with the order of the priorities and the potential of adding unlicensed practice. The legislative proposal was sent back to the MDC for further consideration.

Since that time, DCA's Division of Investigation (DOI) began revising DCA's Complaint Prioritization and Referral Guidelines. Through the DCA Director's Executive Officer Cabinet, the Board's Executive Officer reviewed the revised guidelines and provided feedback to DOI. Based on the proposed revisions, the guidelines may be sufficient to assist the Board in complaint prioritization. If they are, BPC section 4875.1 may be repealed. As such, the Subcommittee recommends revisiting any potential legislative amendments to BPC 4875.1 once DOI's revised guidelines become final.

Quarterly Expert Round Table

On November 16, the Board held its fourth Quarterly Expert Round Table. As previously mentioned, these meetings provide a forum for Subject Matter Experts (Experts) to ask case questions, discuss procedures, and create an open dialogue on clinical care opinions.

The meeting began with management presenting an overview of the current landscape of the Board's enforcement program and discussing the number of complaints awaiting Expert review. Experts were shown the steady increase in backlogged cases awaiting Expert review over the prior year, as well as the number of active Experts available to review these cases. Experts were again asked to reach out to colleagues who might be a good fit to join the Expert program.

Unfortunately, the Board's DAG liaison, Neva Tassan, was unable to attend the November Expert round table; however, the previous day she was able to attend a meeting with Board consultants, which had discussions that also occurred during the Expert round table. Neva didn't have any specific feedback to provide to the Experts ahead of the meeting, but mentioned she would be polling the different offices for commentary.

One of the central items discussed during the Expert round table (and consultant meeting) was "freak occurrences" and "one-off deviations" and the ability of an Expert to stay unbiased when providing an opinion on these potential violations. This also led to a discussion on the discretion of the Board to take enforcement action on one of these "freak occurrences" and the steps in place on a staff and Attorney General level to ensure the Board's actions are appropriate.

Dr. Pollard was extremely helpful in coming up with hypothetical case scenarios for the Experts, asking whether the situation presented was a deviation from the standard of care. These scenarios led to further questions and significant discussion regarding the standard of care; giving Experts an excellent opportunity to have the freedom to speak and provide their viewpoint on different topics.

Other areas covered included:

- Reaching out to staff if Experts are waiting on a new case assignment.
- Advising staff of any upload, download, or document access problems.
- Potential updated verbiage on request letters for medical records relating to the incident date.
- Encouraging Experts to call Board staff at any time regarding case insight and/or concerns.

Case Review

Case reviews have been resumed and the Subcommittee was provided four cases to review for this quarter's MDC/Board meeting. Feedback provided by the Subcommittee was very positive noting the extensive report detail and an Expert doing a "great job." Further, the reports didn't exhibit biased or problematic language and the Experts adequately identified/applied the standard of care and cited sources where appropriate.

As requested, this feedback will be provided to the associated Experts to further improve the review process. Case reviews will continue provided that the Board has finalized cases involving current Experts to provide to the Subcommittee for review.