



MEMORANDUM

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| DATE | July 13, 2020 |
| TO | Veterinary Medical Board |
| FROM | Rob Stephanopoulos, Enforcement Manager |
| SUBJECT | Agenda Item 13. Update and Discussion on Office of Attorney General Costs and Process Improvements |

A central element to meeting the Board’s mandate of consumer protection is taking appropriate discipline against licensees when appropriate. Disciplinary actions are prosecuted by the Department of Justice via the Attorney General’s Office (AG’s Office), which represents the Board’s Executive Officer, as the complainant. Correspondingly, the Board has worked with the AG’s Office to make process improvements to protect consumers through expedited and appropriate discipline, which should reduce costs.

Board process improvements include:

- Increased initial communication with the AG’s Office by way of the Board’s Deputy Attorney General (DAG) liaison and the DAG assigned to the case. This has resulted in the transmission of fewer cases to the AG’s Office. Also, proactively communicating with the DAG permits Board staff to settle cases prior to a mandatory settlement conference and address case concerns earlier in the process.
- Implementation of a start-to-finish investigation model, which instills a sense of ownership in our analysts and increases the analyst’s motivation to follow through and reach case conclusion. This model also prevents the duplication of work and reduces the loss of information, which is a common occurrence when multiple analysts are involved.
- Obtaining all mitigation evidence prior to transmittal to the AG’s Office. This reduces the costs associated with a DAG obtaining this documentation, while providing the Board the ability to offer proposed settlement terms when transmitting a case to the AG’s Office. This process helps the Board avoid mandatory settlement conferences (which occur just prior to hearing), by expediting appropriate discipline.
- Habitually communicating to our assigned DAGs the state of the Board’s fund condition, enabling the DAG to weigh the costs vs. benefits of prosecution choices. These cost choices may include: the method by which experts are utilized; the subsequent inclusion of the Division of Investigation; and the ability to negotiate on cost recovery related to settlement discussions. This also includes routine management discussions with Supervising DAGs regarding cost concerns tied to specific cases.

Carl Sonne, Senior Assistant Attorney General of the Licensing Section of the AG's Office, will provide additional discussion on this Agenda Item, including a presentation covering the Board's enforcement case data the AG's Office is required to report to the Legislature pursuant to Business and Professions Code section 312.2. Mr. Sonne has committed to working with the Board to help meet its mandate of consumer protection. In that vein, he has authorized Karen Denvir, who was recently promoted to Supervising DAG, to remain the Board's DAG liaison, allowing her to continue her extraordinary efforts in improving the Board's enforcement program. Further, the AG's Office has embraced cloud technology for transmission of case-related documentation, which cuts down on disciplinary cycle times and improves the overall process.

Attachment:

1. AG's Office Presentation of Business and Professions Code Section 312.2



BPC Section 312.2

Veterinary Medical Board

July 23, 2020

Presentation Overview

- Background
- Data Collection Process
- All Agencies
- Veterinary Medical Board

Background

- 2015: SB 467 is Passed
- 2016: BPC 312.2 Becomes Effective
- 1/1/2018: First Annual Report Published
(data from Fiscal Year 2016-17)
- 1/1/2020: Third Annual Report Published
(data from Fiscal Year 2018-19)
 1. 36 Agencies
 2. Licensing
 3. Health Quality Enforcement

How Data was Collected

- ProLaw is our Case Management System
- Approximately 200 ProLaw Users – HQE / Licensing
- Each Case Opened and Tracked in ProLaw
 - All Users Enter Data
 - Paralegals Audit and Validate Data

Summary Metrics

Licensing Section

| | FY 17-18 | FY 18-19 | Change |
|---------------|----------|----------|--------------|
| • Referrals | 3,693 | 3,193 | 14% decrease |
| • Rejected | 70 | 100 | 43% increase |
| • Further Inv | 178 | 156 | 12% decrease |
| • Adjudicated | 2,815 | 3,379 | 20% increase |

BPC 312.2, subdivisions (a)(1) and (a)(2)

| | FY 2017-18 | FY 2018-19 | Change |
|--|------------|------------|--------------|
| Accusations Referred to the Attorney General | 45 | 25 | 44% Decrease |
| Matters Rejected | 0 | 3 | NA |

BPC 312.2, subdivisions (a)(3) and (a)(4)

| | FY 2017-18 | FY 2018-19 | Change |
|---------------------------------|------------|------------|--------------|
| Further Investigation Requested | 5 | 5 | 0% Increase |
| Further Investigation Received | 6 | 3 | 50% Decrease |

BPC 312.2, subdivision (a)(5)

| | FY 2017-18 | FY 2018-19 | Change |
|-------------------|------------|------------|--------------|
| Accusations Filed | 44 | 24 | 45% Decrease |

BPC 312.2, subdivisions (a)(6) and (a)(7)

| | FY 2017-18 | FY 2018-19 | Change |
|--------------------------------|------------|------------|--------------|
| Accusations Withdrawn | 0 | 4 | NA |
| Accusation Matters Adjudicated | 22 | 33 | 50% Increase |

BPC 312.2, subdivisions (b)(1) and (b)(2)

Average Days

| | FY 2017-18 | FY 2018-19 | Change |
|---|---------------|---------------|--------------|
| Accusation Received to Accusation Filed | 251 days (22) | 215 days (28) | 14% Decrease |
| Accusation Filed After Further Investigation | 352 days (4) | 658 days (1) | 87% Increase |

BPC 312.2, subdivisions (b)(3) and (b)(4)

Average Days

| | FY 2017-18 | FY 2018-19 | Change |
|--------------------------------|---------------|---------------|--------------|
| Accusation Filed to Settlement | 313 days (16) | 355 days (18) | 13% Increase |
| Accusation Filed to Default | 79 days (4) | 123 days (2) | 56% Increase |

BPC 312.2, subdivisions (b)(5) and (b)(6)

Average Days

| | FY 2017-18 | FY 2018-19 | Change |
|--|--------------|---------------|--------------|
| Accusation Filed to Hearing Requested | 93 days (11) | 147 days (11) | 58% Increase |
| Hearing Date Received to Hearing Commenced | 317 days (2) | 183 days (8) | 42% Decrease |
| Total | 410 days | 330 days | 20% Decrease |

Conclusions

- What can be Measured can be Improved
- CPEI Goal of 18 Months is Challenging
- Agencies Vary
- Speed versus Due Process