



MEMORANDUM

DATE	January 11, 2023
TO	Veterinary Medical Board (Board)
FROM	<u>Enforcement Managers</u> Matt McKinney Patty Rodriguez Robert Stephanopoulos
SUBJECT	Agenda Item 18.C. Enforcement Report

Staff Update

At the October Board meeting, management reported on vacancies in the Enforcement Unit. Management worked with DCA’s Office of Human Resources and conducted interviews resulting in all Enforcement vacancies being filled by February 1st.

The first of these individuals is Alex Juarez. Mr. Juarez brings a wealth of enforcement experience to the Board, having worked previously as an enforcement analyst at the California State Board of Optometry and more recently the Board of Behavioral Sciences. Mr. Juarez is the Board’s second probation monitor, filling the vacancy from September 2022.

The second vacancy was filled by Minh Nguyen. Ms. Nguyen comes to the Board from the private sector, with this being her first state job. Occupying the long-vacant Enforcement Technician position, the Enforcement Team now has all Technician positions filled. Ms. Nguyen has been quick to learn the intake procedures and is a much-welcome addition to the Board’s staff.

A job offer was extended to a candidate for the final vacant Enforcement position on January 9, 2023. We anticipate the candidate to begin with the Board on or about February 1st.

Inspections

Routine inspections have resumed. As reported at the October Board meeting, the initial routine assignments are being kept at a conservative level in order to monitor the inspection workload and ensure staff can process the resulting workload efficiently.

Board staff continues to work with DCA’s Office of Information Services (OIS) as they explored various other platforms to develop the Mobile Inspection application. To aid in this endeavor, staff worked with DCA’s Organizational Improvement Office to update the Inspection process and develop high functioning requirements to present in OIS’ Request for Information that was disseminated to the vendor community in November.

OIS received several responses from vendors and demos have been scheduled. On December 14, 2022, the first Mobile Inspection demonstration was held onsite at DCA

Headquarters with the vendor, Accela. On January 10, 2023, a demonstration was held virtually with Visionary Integration Professionals of their ARInspect Platform. Additional demonstrations are scheduled later this month with vendors Salesforce and TylerTech. Staff will continue to update the Board with the vendor selection at a future Board meeting.

Intake

The Board's average intake period remains slightly higher than the performance target rate however, with the Board recently filling the remaining intake technician position, it is anticipated the intake period will approach or meet the targeted rate. During the first half this this fiscal year, the Board received 792 complaints; if these numbers remain consistent, the Board will again receive a record number of complaints for FY 2022/23.

Investigations

The Board began FY 2022/23 with nearly 3,900 cases pending. Now that for the most part, the new staff is trained, case closures have continued their upward trend, with staff closing more cases than those received each month. This was due in part to a case cleanup of abandoned applicant cases in November. Applicant cases are automatically abandoned in the system after one year if the application is incomplete. In December, 185 case closures were completed. This exceeds any single month of closures in the current and previous fiscal years. We anticipate this will result in a slow but steady downward trend in the number of pending cases which was down to 3,757 at the end of December.

The Board issued 16 citations in the first half of FY 2022/23. The Board also referred 63 cases to the Attorney General's (AG) office during the first half of the fiscal year. The Board is on track to exceed the number of AG referrals from the prior FY.

The Enforcement managers conducted Enforcement and Inspection webinars on November 10, 2022. The webinars were well attended with over 350 licensees in attendance. Given the success of the webinars, additional webinars will be planned for the 2023 year.

Nearly the entire Enforcement staff completed the Council on Licensure, Enforcement, and Regulation's (CLEAR) National Certified Investigation & Inspector Training program. Staff completed the two-part in-person Basic and Specialized investigative training in November.

In December, the Board's Continuous Improvement Team was initiated. Management seeks to encourage staff to have a continuous improvement mindset that is driven by staff members. It is anticipated that the Continuous Improvement Team will conduct regular meetings to explore process improvements and formulate streamlined processes for their colleagues.

Subject Matter Expert Program

As reported during the Multidisciplinary Committee meeting, the Complaint Process Audit Subcommittee (Subcommittee) continued to make headway on its objectives related to Subject Matter Experts (Experts).

In March of 2022 the Board held an Expert training session to provide guidance and support to its Experts. Due to the success of this training, quarterly trainings have been planned for the 2023 year, starting in February.

Case reviews have continued and Subcommittee feedback has been provided to the Experts responsible for the reports involved in the reviewed cases. The feedback was welcomed and with each subsequent review, the skills of Board Experts continue to strengthen.

The Subcommittee also completed a reference list for Experts to use, which will be added to the Expert training manual. The Subcommittee is still investigating whether we can provide additional resources in the form of an electronic library to Experts.

The Medical Board of California utilizes real-world scenarios during their Expert Witness Training; however, since these scenarios deal with human medicine, the Subcommittee drafted veterinary specific scenarios to provide to our Experts. The scenarios were provided to Experts, which garnered mostly positive feedback. These scenarios will also be discussed during an upcoming training session.

As directed by the Board, the Subcommittee researched the current Expert requirements as well as the requirements of other boards to determine whether our criteria should be updated. Based on the research, new requirements will be presented to the MDC for discussion, ensuring that our Experts have the appropriate qualifications to opine on our investigations.

Probation

The Probation Monitor is actively investigating 104 pending enforcement complaints against 36 probationers. During quarter one of FY 22/23, the Probation Unit processed one voluntary surrender and currently, there are three Petitions for Early Termination pending with the probation unit. Since the last meeting, the Probation unit has filed one Petition for Revocation/Accusation. Probation staff continue to monitor compliance with disciplinary orders and initiate cases for revocation when good cause exists.

Since the last update, four licensees began their probation and six completed their probation, leaving 55 total probationers, 17 of which are tolled. The Probation Unit continues auditing the files of those who are tolling their probation to ensure they too are in compliance with disciplinary orders and probationary requirements which are not tolled, even when the probation as a whole may be.

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 December 1, 2022, Board expenditures in Attorney General costs are \$31,295.

FY 2021-2023 Costs	
May 2021	\$9,955
Jun.	\$2,365
Jul.	\$7,040

Aug.	\$2,640
Sep.	\$275
Oct.	\$0
Nov.	\$110
Dec.	\$275
Jan. 2022	\$880
Feb.	\$935
Mar.	\$1,045
Apr.	\$0
May	\$0
Jun.	\$0
Jul.	\$0
Aug.	\$2,805
Sep.	\$2,365
Oct.	\$330
Nov.	\$275
Total	\$31,295

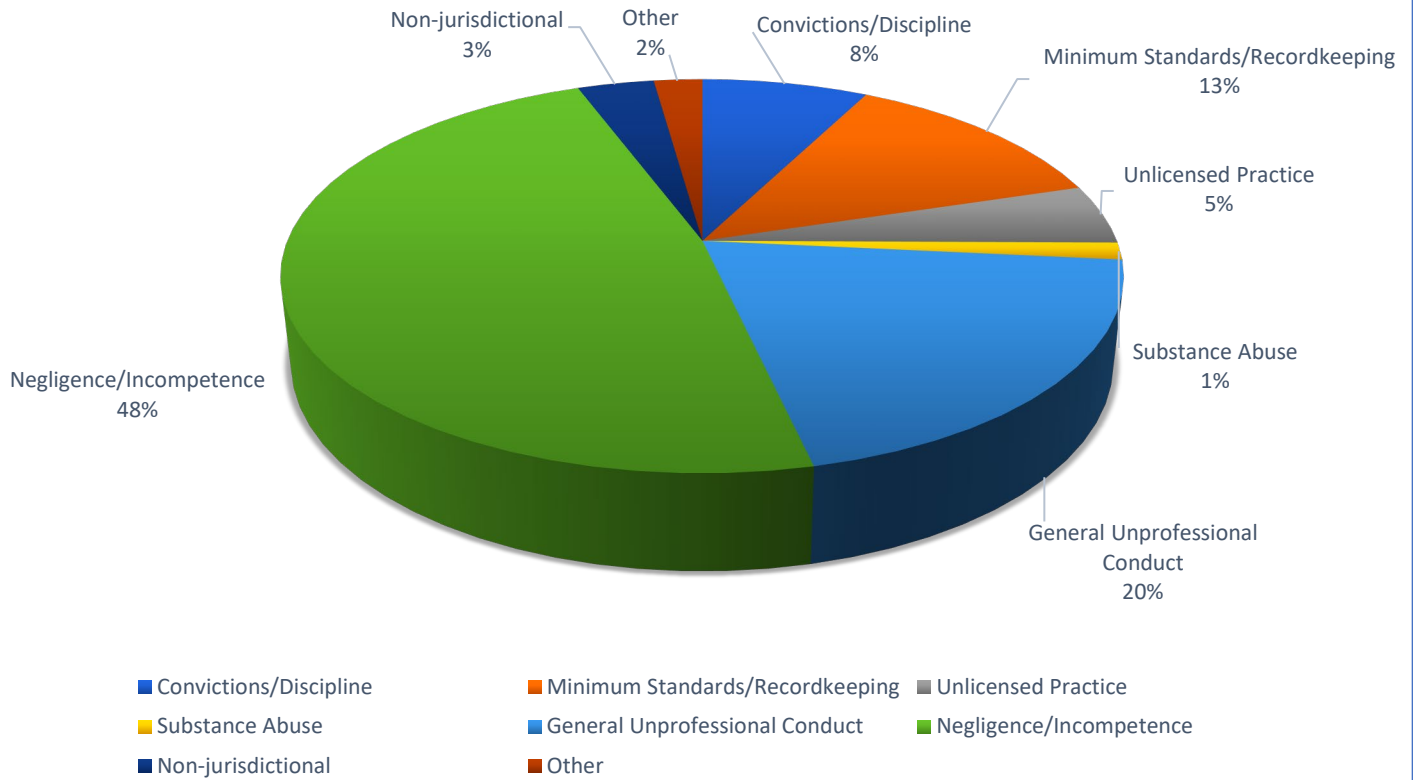
Disciplinary Action Vote Results

PROPOSED DECISION	VOTE	RESULT
Angie Ziegler, RVT (Case No. 4602018000350)	7 – Adopt	Adopt
STIPULATED SETTLEMENT	VOTE	RESULT
Kenneth Carl Allison, DVM (Case No. 4602018000298)	6 – Adopt 1 – Hold	Adopt
Kim Lewis Kuhlmann, DVM (Case No. 4602018000299)	6 – Adopt 1 – Hold	Adopt

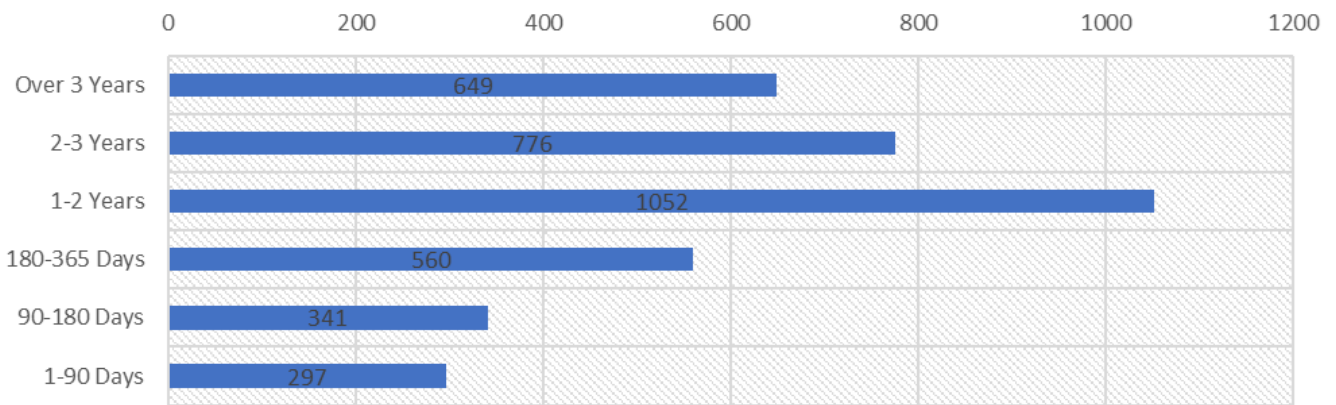
Attachment

1. Enforcement Statistics

FY 22/23 YTD Complaints Received by Violation Type



Pending Cases



Summary of Enforcement Activity									
Enforcement Activity	20/21	21/22	2022/2023						
	YTD	YTD	July	Aug.	Sep.	Oct.	Nov.	Dec.	YTD
Consumer Complaints – Intake									
Received	1499	1519	143	131	133	142	124	119	792
Closed Without Referral for Investigation	4	77	3	2	4	13	7	11	40
Referred for Investigation	1485	1448	103	125	134	161	124	106	753
Pending	29	16	46	50	45	13	6	10	10
Conviction/Arrest Notification Complaints									
Received	146	186	6	20	21	19	6	18	90
Closed Without Referral for Investigation	3	3	0	0	1	1	0	0	2
Referred for Investigation	141	184	3	12	18	30	7	17	87
Pending	2	1	3	11	13	1	0	1	1
Inspections									
Conducted	50	41	9	5	4	6	9	13	46
Citations Issued	0	10	0	0	0	1	2	0	3
Investigations									
Open	1626	1,632	106	137	152	191	131	123	840
Closed	560	1,297	132	172	168	180	145	185	982
Pending	3545	3,885	3,871	3,839	3,824	3,839	3,822	3,757	3,757
Cases Closed within Timeframe to Complete Intake and Investigations									
Up to 90 Days	339	274	26	32	30	41	27	71	227
91 to 180 Days	29	65	7	7	5	7	6	7	39
181 Days to 1 Year	36	116	14	19	4	6	12	17	72
1 to 2 Years	62	145	18	27	27	22	28	23	145
2 to 3 Years	22	167	18	24	22	36	30	32	162
Over 3 Years	72	530	49	63	80	68	42	35	337
Average Number of Days from Receipt of Complaint to Assignment of Investigator (start of investigation)	9	34	22	22	23	18	14	18	20
Average Number of Days for All Investigation Outcomes (from start investigation to referral for prosecution or case closure without referral for prosecution)	300	763	733	751	838	765	725	551	727
Average Number of Days to from Receipt of Complaint to Referral for Prosecution or Case Closure Without Referral for Prosecution	309	796	754	772	860	782	738	529	739
Citations and Fines									
Issued without a Fine	0	0	0	0	0	0	0	0	0
Issued with a Fine	16	48	1	4	0	4	7	5	16
Withdrawn/Dismissed/Reduced	0	7	1	1	0	1	0	0	3
Average Number of Days to Issue a Citation and Fine (from complaint receipt/inspection conducted to citation issued)	1581	1293	306	1131	N/A	1828	1507	1311	1217
Total Amount of Fines									
Assessed	\$38,004	\$203,250	\$5,000	\$17,000	\$0	\$20,000	\$35,000	\$21,500	\$98,500
Withdrawn/Dismissed/Reduced	0	\$14,500	\$5,000	\$5,000	\$0	\$5,000	\$0	\$0	\$15,000

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Collected	\$21,504	\$129,366	\$13,779	\$8,779	\$9,218	\$2,505	\$5,455	\$10,860	\$50,596
Criminal/Civil Actions									
Referrals for Criminal/Civil Action	2	6	0	0	0	0	0	0	0
Criminal Actions Filed	0	0	0	0	0	0	0	0	0
Civil Actions Filed	0	0	0	0	0	0	0	0	0
Office of the Attorney General/Disciplinary Actions									
Cases Opened/Initiated	40	77	9	28	1	3	16	6	63
Cases Closed	23	11	3	3	2	2	1	4	15
Cases Pending	52	89	94	119	119	117	129	128	128
Number of Days to Complete AG Cases									
Up to 1 Year	1	1	0	0	0	0	0	0	0
1 to 2 Years	3	3	0	0	2	0	0	1	3
2 to 3 Years	4	0	0	1	0	0	0	0	1
Over 3 Years	15	7	3	2	0	2	1	3	11
Average Number of Days to Impose Discipline	1237	1,189	1,668	1,084	468	2,090	1,489	1,562	1,394
Formal Actions Filed/Withdrawn/Dismissed									
Statement of Issues Filed	1	0	0	0	0	0	0	0	0
Accusations Filed	10	22	1	0	0	2	4	3	10
Restraining/Restriction/Suspension Orders Granted	0	1	0	0	0	0	0	0	0
Statement of Issues Withdrawn/Dismissed	1	0	0	0	0	0	0	0	0
Accusations Withdrawn/Dismissed	2	2	0	0	0	0	0	0	0
Average Number of Days from Closure of Investigation to Imposing Formal Discipline	964	475	391	252	392	420	358	668	414
Administrative Outcomes/Final Orders									
License Applications Denied	0	0	0	0	0	0	0	0	0
Revocation	7	2	1	0	0	0	0	0	1
Surrender of License	10	1	1	0	0	0	0	2	3
Probation with Suspension	1	0	0	0	0	0	0	0	0
Suspension Only	0	0	0	0	0	0	0	0	0
Probation Only	8	4	1	1	1	2	0	2	7
Public Reprimand/Public Reproval/Public Letter of Reprimand	0	1	0	0	0	0	0	0	0
Other Decisions	0	0	0	0	0	0	0	0	0
Total	26	8	3	1	1	2	0	4	11
Probation									
Probations Completed	N/A	21	1	2	2	3	2	0	10
Probationers Pending (close of FY)	N/A	59	57	56	56	54	53	55	55
Subsequent Discipline									
Probations Revoked	N/A	0	0	0	0	0	0	0	0
Probationers License Surrendered	N/A	0	0	0	0	0	0	1	1
Additional Probation Only	N/A	1	0	0	0	0	0	0	0
Suspension Only Added	N/A	0	0	0	0	0	0	0	0
Other Conditions Added Only	N/A	0	0	0	0	0	0	0	0
Other Probation Outcome	N/A	0	0	0	0	0	0	0	0

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Petition for Modification or Termination of Probation									
Granted	4	1	1	0	1	1	0	0	3
Denied	2	0	0	0	0	0	0	0	0
Petition for Reinstatement of Revoked License/Registration/Certification									
Granted	2	0	0	0	0	0	0	0	0
Denied	1	0	1	0	0	0	0	0	1
Cost Recovery									
Ordered	\$119,392	\$135,133	\$15,000	\$19,158	\$131,424	\$8,846	\$500	\$94,962	\$269,890
Collected	\$42,799	\$28,393	\$800	\$800	\$1,150	\$7,850	\$7,417	\$30,649	\$48,666
Restitution to Consumers/Refunds/Savings									
Restitution Ordered	\$3,880	\$13,251	\$0	\$12,433	\$0	\$6,250	\$0	\$0	\$18,683
Amount Refunded	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Rework at no Charge	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Adjustments/Returns/Exchanges	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Savings Achieved for Consumers	\$3,880	\$13,251	\$0	\$12,433	\$0	\$6,250	\$0	\$0	\$18,683