



MEMORANDUM

| | |
|----------------|--------------------------------------------------------------------------------------------|
| DATE | January 5, 2024 |
| TO | Veterinary Medical Board (Board) |
| FROM | <u>Enforcement Managers</u> Merlene Francis Patty Rodriguez Robert Stephanopoulos |
| SUBJECT | Agenda Item 15.C. Enforcement Report |

Staff Update

At the last meeting, it was noted the vacant enforcement analyst position vacated by Ms. Phillips-Francis was filled internally by Mr. Kenneth Seunarine. Shortly after this was reported, Mr. Seunarine accepted a promotional position with the Medical Board of California. Staff continues working with the Office of Human Resources (OHR) to fill this position as well as the position vacated by Ms. Francis.

Also in October, we saw the departure of Mr. Fredy Olea-Gaspar. Mr. Gaspar was with the Board for four and a half years, starting in the Licensing Unit and promoting into the Enforcement Unit in March of 2020. Mr. Gaspar accepted a position in the Information Technology unit with the California Department of Corrections and Rehabilitation. We wish him the best in his new endeavor. The enforcement analyst position was posted, and interviews were held. In December, Mr. Zakery Tippins was selected for the position. Mr. Tippins is new to state service; he previously worked at West Coast Metabolomics Center at UC Davis as a Staff Research Associate.

The Office Technician position vacated by Mr. Seunarine was filled in November by Ms. Mychael Thompson. Ms. Thompson is new to state service and comes from the private sector. She will be handling all SME and Inspector contracts and invoices in addition to assigning cases and inspections to SMEs and Inspectors.

The Board is currently recruiting to fill the limited-term vacant Probation Technician position. The position has been posted and interviews will be conducted in January to hire someone as soon as possible.

In December, Ms. Tara Reasoner announced she accepted an analyst position with the Department of Managed Health Care. We thank Ms. Reasoner for her years working with the Board's Enforcement Program and wish her the best in her new endeavor. Staff is working with OHR to fill this position as soon as possible.

Staff Training

In an effort to fulfill one of the Board's Strategic Plan goals for providing prompt, courteous and accurate customer service, staff recently participated in additional Customer Service Training. Board management is currently working with DCA's

Strategic Organizational Leadership and Individual Development department to identify topics and develop specialized training for Board staff.

Additionally, the Board's Probation Monitor and Probation Unit Manager recently underwent additional training with Maximus on compliance monitoring for enrollees.

Inspections

Tracey Mumby from Spring Valley is one of the Board's newest Inspectors; she will be inspecting San Diego County and the surrounding area. Ms. Mumby has been a Registered Veterinary Technician for over 30 years. She was the Hospital Manager for the San Diego Zoo for 8 years and most recently for Feathers and Fur Animal Hospital in La Mesa. She was previously an International Council Member of the South African Veterinary Council. She is also an adjunct instructor for the San Diego Community College's Veterinary Technology program and has a great deal of experience in emergency and critical care as well as avian and exotic medicine.

Staff continues working with the Department's Office of Public Affairs to create an informational video for Managing Licensees, Practice Managers, and veterinary staff on what to expect during an inspection. Inspectors will also be interviewed in preparation of recruitment videos. It is anticipated these will be completed in the Spring.

Intake

Thus far in FY 23/24, the average number of days to assign a case is slightly above our target time of ten days but is five days less than the average intake time in FY 22/23. Staff continues to meet with the Intake team to identify gaps and create efficiencies in the intake process.

Currently there are 30 cases that need to be opened and assigned to an analyst.

Investigations

Board staff remains focused on reducing the complaint backlog, which is slightly over 3,500 pending cases. Current staffing levels and implemented efficiencies have made it possible to cut into this number.

While the number of new cases seems to have leveled off, the Enforcement Unit is remains on the brink of another record year of closed investigations with an anticipated 2,200 cases closed for FY 23/24.

Subject Matter Expert Program

On November 16, 2023, the Board held another Quarterly Expert Round Table. Areas discussed during this meeting included the review process, case assignments, new verbiage on requests for medical records as well as hypothetical case questions. Additionally, the Board Consultants met with staff prior to the Expert Round Table to discuss various topics. During this meeting Dr. Jeff Pollard shared an interesting document obtained from the Maryland Board of Veterinary Medical Examiners website. The document explains the complaint process to Maryland consumers. Staff is looking into posting similar information on the Board's website to facilitate the complaint process for consumers in an effort to improve clarification of the complaint process to California consumers.

The next scheduled Expert Round Table will take place in February.

Probation

The Probation Monitor is actively investigating 68 pending enforcement complaints against 21 probationers. Currently, there are two Petitions for Early Termination and three Petitions for Reinstatement pending with the Probation Unit.

Since the last update, one new licensee began probation and one completed their probation, leaving 52 total probationers, 10 of which are tolled.

Probation staff recently participated in Maximus training in order to monitor licensees that are currently enrolled in the program.

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, 2023, total Board expenditures in Attorney General costs are \$35,420.

Disciplinary Action Vote Results

Since the last Board meeting, the Board reviewed the following disciplinary matters:

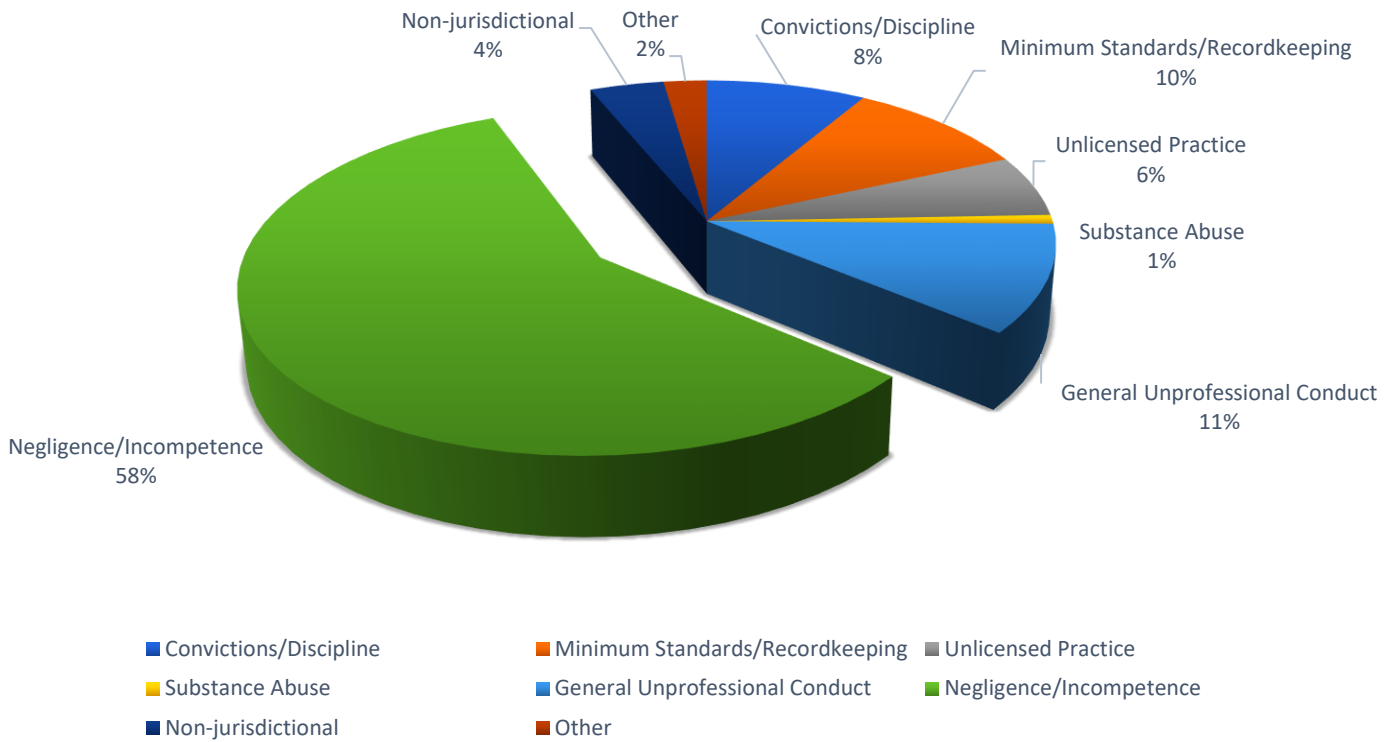
| STIPULATED SETTLEMENTS | VOTE | RESULT |
|----------------------------------------------------|--------------------------------------|---------------------|
| Marina Kotlarenko (Case No. 46020220021667) | 5 – Adopt 1 – Hold for Discussion | Adopt |
| Paul Weber (Case No. 4602021001367) | 6 – Adopt | Adopt |
| Emmanuel Tamajong Mumah (Case No. 4602019001171) | 5 – Adopt 1 – Hold for Discussion | Adopt |
| Juan Campos (Case No. 4602019001340) | 4 – Adopt 2 – Hold for Discussion | Hold for Discussion |
| DEFAULT DECISION | VOTE | RESULT |
| Kerry Cline (Case No. 4602019000241/4602023001159) | 5 – Adopt 1 – Hold for Discussion | Adopt |

The items held for discussion will be discussed during the January closed session.

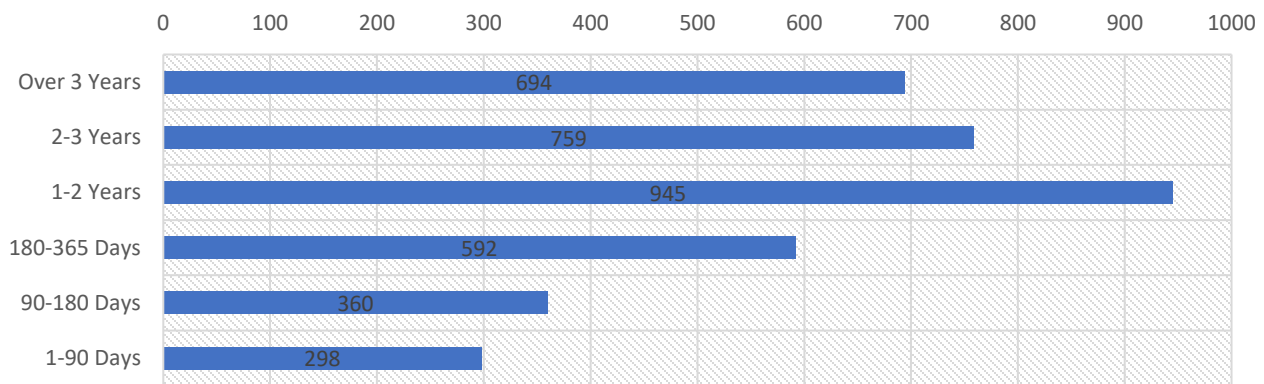
Attachment

1. Enforcement Statistics

FY 23/24 YTD Complaints Received by Violation Type



Pending Cases



| Summary of Enforcement Activity | | | | | | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----------|-----------|---------|----------|----------|----------|---------|---------|----------|
| Enforcement Activity | 20/21 | 21/22 | 22/23 | 23/24 | | | | | | |
| | YTD | YTD | YTD | July | Aug. | Sep. | Oct. | Nov. | Dec. | YTD |
| Consumer Complaints – Intake | | | | | | | | | | |
| Received | 1,499 | 1,519 | 1,587 | 126 | 136 | 131 | 109 | 113 | 113 | 728 |
| Closed Without Referral for Investigation | 4 | 77 | 68 | 0 | 0 | 1 | 5 | 12 | 17 | 35 |
| Referred for Investigation | 1,485 | 1,448 | 1,510 | 124 | 99 | 149 | 141 | 101 | 143 | 757 |
| Pending | 29 | 16 | 18 | 29 | 66 | 47 | 16 | 30 | 17 | 17 |
| Conviction/Arrest Notification Complaints | | | | | | | | | | |
| Received | 146 | 186 | 210 | 6 | 7 | 3 | 1 | 10 | 5 | 32 |
| Closed Without Referral for Investigation | 3 | 3 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Referred for Investigation | 141 | 184 | 207 | 5 | 4 | 11 | 2 | 11 | 18 | 51 |
| Pending | 2 | 1 | 0 | 5 | 8 | 0 | 1 | 5 | 0 | 5 |
| Inspections | | | | | | | | | | |
| Conducted | 50 | 41 | 116 | 10 | 13 | 4 | 2 | 18 | 17 | 64 |
| Citations Issued | 0 | 10 | 5 | 2 | 0 | 0 | 1 | 0 | 0 | 3 |
| Investigations | | | | | | | | | | |
| Open | 1,626 | 1,632 | 1,717 | 129 | 103 | 160 | 143 | 112 | 143 | 790 |
| Closed | 560 | 1,297 | 1,976 | 128 | 222 | 204 | 139 | 132 | 132 | 957 |
| Pending | 3,545 | 3,885 | 3,716 | 3,737 | 3,620 | 3,579 | 3,586 | 3,566 | 3,615 | 3,615 |
| Cases Closed within Timeframe to Complete Intake and Investigations | | | | | | | | | | |
| Up to 90 Days | 339 | 274 | 463 | 33 | 23 | 32 | 30 | 24 | 32 | 174 |
| 91 to 180 Days | 29 | 65 | 86 | 17 | 7 | 8 | 7 | 3 | 8 | 50 |
| 181 Days to 1 Year | 36 | 116 | 170 | 9 | 13 | 11 | 12 | 11 | 13 | 69 |
| 1 to 2 Years | 62 | 145 | 308 | 22 | 23 | 30 | 16 | 10 | 23 | 124 |
| 2 to 3 Years | 22 | 167 | 300 | 16 | 25 | 45 | 39 | 34 | 16 | 175 |
| Over 3 Years | 72 | 530 | 649 | 31 | 131 | 78 | 35 | 50 | 40 | 365 |
| Average Number of Days from Receipt of Complaint to Assignment of Investigator (start of investigation) | 9 | 34 | 17 | 14 | 11 | 12 | 12 | 13 | 18 | 13 |
| Average Number of Days for All Investigation Outcomes (from start investigation to referral for prosecution or case closure without referral for prosecution) | 300 | 763 | 706 | 616 | 971 | 850 | 710 | 848 | 663 | 776 |
| Average Number of Days from Receipt of Complaint to Referral for Prosecution or Case Closure Without Referral for Prosecution | 309 | 796 | 717 | 629 | 980 | 869 | 721 | 860 | 680 | 790 |
| Citations and Fines | | | | | | | | | | |
| Issued without a Fine | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Issued with a Fine | 16 | 48 | 26 | 2 | 3 | 1 | 2 | 1 | 0 | 9 |
| Withdrawn/Dismissed/Reduced | 0 | 7 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Average Number of Days to Issue a Citation and Fine (from complaint receipt/inspection conducted to citation issued) | 1,581 | 1,293 | 1,333 | 1,844 | 987 | 1,553 | 1,440 | 1,560 | 2,345 | 1,622 |
| Total Amount of Fines | | | | | | | | | | |
| Assessed | \$38,004 | \$203,250 | \$121,000 | \$6,000 | \$15,000 | \$3,000 | \$10,000 | \$5,000 | \$0 | \$39,000 |
| Withdrawn/Dismissed/Reduced | \$0 | \$14,500 | \$15,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Collected | \$21,504 | \$129,366 | \$102,283 | \$8,330 | \$15,797 | \$21,927 | \$5,361 | \$5,100 | \$5,100 | \$61,615 |
| Criminal/Civil Actions | | | | | | | | | | |
| Referrals for Criminal/Civil Action | 2 | 6 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| Criminal Actions Filed | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Civil Actions Filed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Office of the Attorney General/Disciplinary Actions | | | | | | | | | | |
| Cases Opened/Initiated | 40 | 77 | 91 | 3 | 16 | 10 | 10 | 10 | 4 | 53 |
| Cases Closed | 23 | 11 | 39 | 5 | 19 | 0 | 0 | 0 | 5 | 29 |
| Cases Pending | 52 | 89 | 129 | 125 | 121 | 131 | 140 | 145 | 144 | 145 |
| Number of Days to Complete AG Cases | | | | | | | | | | |
| Up to 1 Year | 1 | 1 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 4 |
| 1 to 2 Years | 3 | 3 | 4 | 1 | 2 | 0 | 0 | 0 | 1 | 4 |
| 2 to 3 Years | 4 | 0 | 6 | 2 | 9 | 0 | 0 | 0 | 0 | 11 |
| Over 3 Years | 15 | 7 | 12 | 2 | 4 | 0 | 0 | 0 | 4 | 10 |

| | | | | | | | | | | |
|------------------------------------------------------------------------------------|-----------|-----------|-----------|----------|----------|----------|----------|-----------|----------|-----------|
| Average Number of Days to Impose Discipline | 1,237 | 1,189 | 1,029 | 1,287 | 1,016 | N/A | N/A | N/A | 1,647 | 1,317 |
| Formal Actions Filed/Withdrawn/Dismissed | | | | | | | | | | |
| Statement of Issues Filed | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Accusations Filed | 10 | 22 | 21 | 2 | 4 | 0 | 1 | 1 | 1 | 9 |
| Restraining/Restriction/Suspension Orders Granted | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Statement of Issues Withdrawn/Dismissed | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Accusations Withdrawn/Dismissed | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Average Number of Days from Closure of Investigation to Imposing Formal Discipline | 964 | 475 | 587 | 357 | 609 | 0 | 328 | 0 | 386 | 420 |
| Administrative Outcomes/Final Orders | | | | | | | | | | |
| License Applications Denied | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Revocation | 7 | 2 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| Surrender of License | 10 | 1 | 5 | 1 | 0 | 0 | 1 | 0 | 2 | 4 |
| Probation with Suspension | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Suspension Only | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Probation Only | 8 | 4 | 13 | 0 | 5 | 0 | 0 | 0 | 1 | 6 |
| Public Reprimand/Public Reproof/Public Letter of Reprimand | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Decisions | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 26 | 8 | 19 | 1 | 6 | 0 | 1 | 0 | 3 | 11 |
| Probation | | | | | | | | | | |
| Probations Completed | N/A | 21 | 15 | 4 | 4 | 0 | 1 | 0 | 0 | 9 |
| Probationers Pending | N/A | 59 | 57 | 53 | 52 | 51 | 50 | 51 | 52 | 52 |
| Subsequent Discipline | | | | | | | | | | |
| Probations Revoked | N/A | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| Probationers License Surrendered | N/A | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Additional Probation Only | N/A | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Suspension Only Added | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Conditions Added Only | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Probation Outcome | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Petition for Modification or Termination of Probation | | | | | | | | | | |
| Granted | 4 | 1 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Denied | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Petition for Reinstatement of Revoked License/Registration/Certification | | | | | | | | | | |
| Granted | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Denied | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cost Recovery | | | | | | | | | | |
| Ordered | \$119,392 | \$135,133 | \$334,399 | \$0 | \$85,823 | \$0 | \$0 | \$0 | \$45,072 | \$130,895 |
| Collected | \$42,799 | \$28,393 | \$121,657 | \$15,665 | \$8,166 | \$37,738 | \$13,686 | \$146,690 | \$17,234 | \$239,179 |
| Restitution to Consumers/Refunds/Savings | | | | | | | | | | |
| Restitution Ordered | \$3,880 | \$13,251 | \$18,683 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Amount Refunded | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Rework at no Charge | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Adjustments>Returns/Exchanges | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total Savings Achieved for Consumers | \$3,880 | \$13,251 | \$18,683 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |