

MEMORANDUM

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|----------------|---|
| DATE | April 7, 2025 |
| TO | California Veterinary Medical Board (Board) |
| FROM | <u>Enforcement Managers</u> Patty Rodriguez Ashley Sanchez Robert Stephanopoulos |
| SUBJECT | Agenda Item 22.C. Enforcement Report |

Inspections

As part of the Board's ongoing outreach efforts, an Inspection webinar was held January 28. The webinar featured a presentation by a California Board of Pharmacy (BOP) Supervising Investigator on misbranding. The webinar was well received and well attended with just over 200 attendees. The next webinar will feature California Department of Justice (DOJ) Controlled Substance Utilization Review and Evaluation System (CURES) staff who will be presenting information regarding CURES requirements in veterinary medicine. The webinar is scheduled for May 6.

Board inspectors have been utilizing the iPads and Mobile Inspection Application (MIP) as they conduct inspections. The Board has transitioned to the maintenance and operations phase and have been exploring improvements as inspectors use the application in the field.

On February 11, Board staff held a quarterly round table meeting for Inspectors much like the quarterly Subject Matter Expert roundtable meetings. These meetings provide inspectors and staff the opportunity to discuss any upcoming changes, issues that arise in the field and any necessary updates. During the round table meeting, MIP information was discussed extensively.

Staff has been working with the Inspection Subcommittee on updating the Hospital Standards Self Evaluation Checklist. Extensive revisions have been made to the 2017 document. Checklists have been drafted for Small Animal, Mobile and Vaccination clinics. The drafts will be reviewed by legal prior to being submitted to the Publication, Design Editing team to draft the revised checklists. (Strategic Plan Objective 3.7)

Intake

During the prior meeting, it was noted that the cycle time in Fiscal Year (FY) 24/25 to assign complaints for cases which were closed during that same time frame was 9 days. Since the last Board meeting, that cycle time has dropped and returned to 7 days. It should be noted that the 14 pending cases at the end of March (YTD) is higher than normal because the three days at the end of the month were non-working days; Intake continues to process all complaints as they are received.

Investigations

Board staff continues to focus on reducing the pending complaint backlog. At the end of February, the Board had 3,469 cases pending, which is 88 less than the end of July of 2024. Board staff is still averaging 10 case closures per month, per analyst.

As previously reported, at the end of FY 23/24, the Board received 1,873 new complaints, which was a slight increase from the previous fiscal year (approximately 4 percent). Based upon the number of complaints received so far in FY 24/25, it appears the Board will receive just under 2,100 complaints at the end of the fiscal year.

Projections indicate Board staff will close approximately 2,200 complaints during FY 24/25, setting another record for case closures.

Subject Matter Expert Program

On February 26, the Board held a round table for its Consultants, who initially review standard of care cases to determine whether they can be closed or require a full review by a Subject Matter Expert (Expert). During this meeting, a variety of topics were covered, including:

- Consultants should not write up why a case needs to be reviewed by an Expert, they should simply be placed into the Expert queue.
- A discussion about the standard of care in anesthesia monitoring (due to specific wording in a reviewed Expert report).
- Spectrum of care and how it affects opining on standard of care.
- Initial patient triage at veterinary clinics

On February 27, the Board held its Quarterly Expert Round Table. During this meeting, several issues were covered, including:

- Expert recruitment efforts related to website updates.
- A reminder that all written reviews should follow the sample format and be dated to match the submission date.
- A reminder that specific regulation codes should not be used in a written review, and that Experts should use “departure” or “extreme departure” from the standard of care for care-related violations.
- Record keeping violations shouldn’t be listed as “standard of care” departures (since they aren’t “care”).
- Reports should not contain words that could be viewed as biased and should be written in a “just the facts” manner.
- The difference between something not being done (departure from standard of care) vs. not being documented (record keeping violation) when reviewing a case.
- Subsequent veterinarians’ violations should not be included in the same report as the subject veterinarian. Analysts can open a new case against additional veterinarians if a case review for the main case reveals a potential egregious violation.
- A continuation of the discussion of standard of care related to anesthesia monitoring.

Probation

The Probation Monitors are actively investigating 24 pending enforcement complaints against 11 probationers. Since the October 2024 Board Meeting, the Probation Monitors have closed 22 complaint investigations against probationers with 15 of those cases being transmitted to the Attorney General's Office. Currently, there are two Petitions for Early Termination and one Petition for Reinstatement pending with the Probation Unit.

Since the last update, two licensees began probation, bringing the number of current probationers to 56, seven of which are tolled.

Disciplinary Action Vote Results

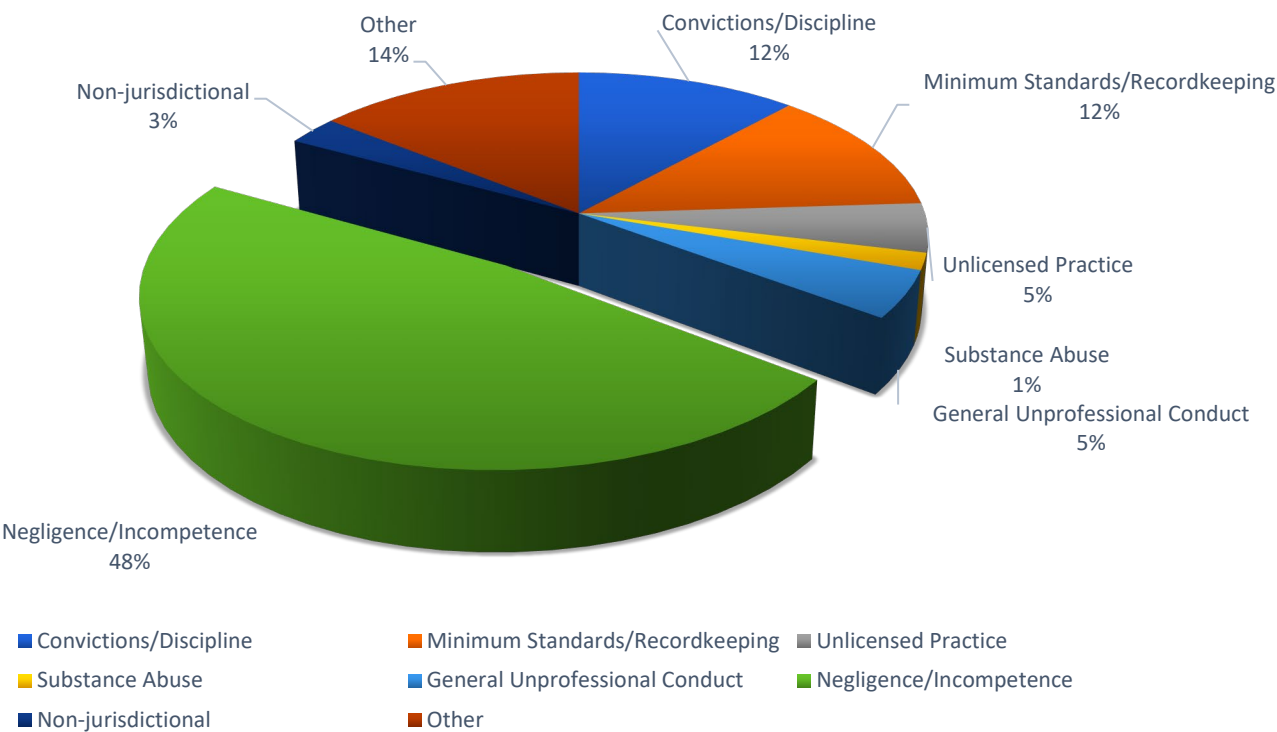
Since the last Board meeting, the Board reviewed the following disciplinary matters:

| STIPULATED SETTLEMENTS | VOTE | RESULT |
|---|--------------------------------------|---------------------|
| Tya Henderson, DVM (Case 4602024000234) | 5 – Adopt 1 – Hold for Discussion | Adopt |
| PROPOSED DECISION | VOTE | RESULT |
| Sonia Amador, DVM (Case 46019000083) | 3 – Adopt 3 – Hold for Discussion | Held for Discussion |
| Brian Thomas Kemmerer, VASCP (Case No. 4602022000575) | 5 – Adopt 1 - Recuse | Adopt |
| PETITION DECISION | VOTE | RESULT |
| Jeff Blea, DVM (Case 4602021001570) | 5 – Adopt 1 – Recuse | Adopted |

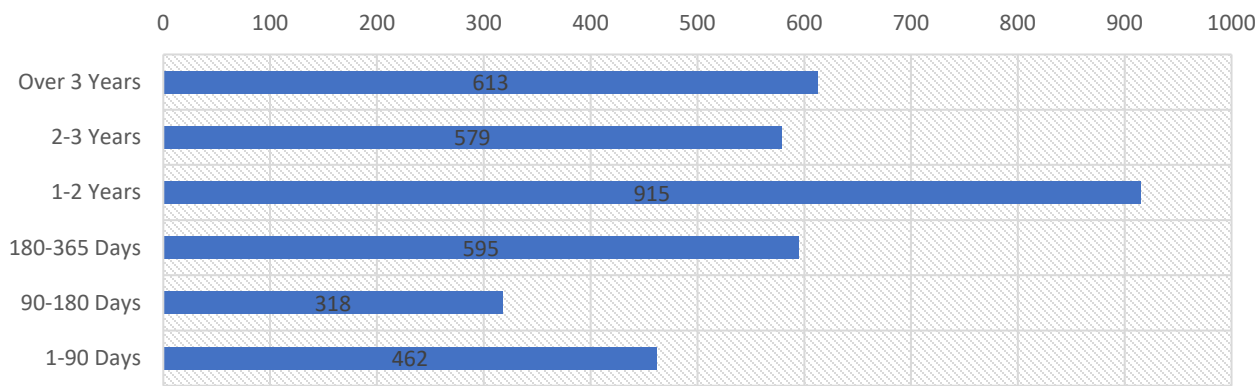
Attachments

1. Enforcement Statistics

FY 24/25 YTD Complaints Received by Violation Type



Pending Cases



| Summary of Enforcement Activity | | | | | | | | | | | | | | |
|---|----------|-----------|-----------|-----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|
| Enforcement Activity | 20/21 | 21/22 | 22/23 | 23/24 | 24/25 | | | | | | | | | |
| Consumer Complaints – Intake | YTD | YTD | YTD | YTD | July | Aug | Sept. | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | YTD |
| Received | 1,499 | 1,519 | 1,587 | 1,670 | 152 | 141 | 134 | 167 | 164 | 112 | 175 | 169 | 174 | 1388 |
| Closed Without Referral for Investigation | 4 | 77 | 68 | 96 | 4 | 9 | 8 | 14 | 11 | 10 | 6 | 6 | 6 | 74 |
| Referred for Investigation | 1,485 | 1,448 | 1,510 | 1,579 | 160 | 133 | 122 | 157 | 132 | 126 | 166 | 162 | 159 | 1317 |
| Pending | 29 | 16 | 18 | 21 | 5 | 4 | 8 | 4 | 25 | 1 | 4 | 5 | 14 | 14 |
| Conviction/Arrest Notification Complaints | | | | | | | | | | | | | | |
| Received | 146 | 186 | 210 | 203 | 12 | 28 | 21 | 24 | 25 | 23 | 22 | 17 | 16 | 188 |
| Closed Without Referral for Investigation | 3 | 3 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Referred for Investigation | 141 | 184 | 207 | 208 | 12 | 27 | 22 | 21 | 27 | 22 | 23 | 17 | 16 | 187 |
| Pending | 2 | 1 | 0 | 0 | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Inspections | | | | | | | | | | | | | | |
| Conducted | 50 | 41 | 116 | 182 | 31 | 22 | 15 | 14 | 14 | 20 | 13 | 7 | 13 | 149 |
| Citations Issued | 0 | 10 | 5 | 3 | 0 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 3 |
| Investigations | | | | | | | | | | | | | | |
| Open | 1,626 | 1,632 | 1,717 | 1,783 | 172 | 160 | 144 | 178 | 159 | 148 | 189 | 179 | 175 | 1504 |
| Closed | 560 | 1,297 | 1,976 | 2,029 | 235 | 192 | 168 | 171 | 165 | 167 | 169 | 194 | 200 | 1661 |
| Pending | 3,545 | 3,885 | 3,716 | 3,557 | 3503 | 3473 | 3447 | 3456 | 3458 | 3447 | 3480 | 3469 | 3445 | 3445 |
| Cases Closed within Timeframe to Complete Intake and Investigations | | | | | | | | | | | | | | |
| Up to 90 Days | 339 | 274 | 463 | 387 | 60 | 46 | 37 | 59 | 48 | 55 | 53 | 35 | 48 | 441 |
| 91 to 180 Days | 29 | 65 | 86 | 112 | 13 | 12 | 10 | 15 | 5 | 11 | 12 | 10 | 12 | 100 |
| 181 Days to 1 Year | 36 | 116 | 170 | 153 | 14 | 15 | 24 | 13 | 18 | 8 | 18 | 41 | 15 | 166 |
| 1 to 2 Years | 62 | 145 | 308 | 309 | 54 | 42 | 27 | 20 | 21 | 32 | 20 | 32 | 29 | 277 |
| 2 to 3 Years | 22 | 167 | 300 | 413 | 43 | 29 | 24 | 24 | 26 | 21 | 33 | 40 | 18 | 258 |
| Over 3 Years | 72 | 530 | 649 | 655 | 51 | 48 | 46 | 40 | 47 | 40 | 33 | 36 | 78 | 419 |
| Average Number of Days from Receipt of Complaint to Assignment of Investigator (start of investigation) | 9 | 34 | 17 | 12 | 8 | 7 | 9 | 7 | 5 | 8 | 6 | 8 | 9 | 7 |
| 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 | 771 | 646 | 666 | 669 | 592 | 681 | 663 | 591 | 646 | 790 | 661 |
| Average Number of Days from Receipt of Complaint to Referral for Prosecution or Case Closure Without Referral for Prosecution | 309 | 796 | 717 | 782 | 652 | 672 | 677 | 597 | 685 | 670 | 595 | 653 | 798 | 668 |
| Citations and Fines | | | | | | | | | | | | | | |
| Issued without a Fine | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Issued with a Fine | 16 | 48 | 26 | 17 | 1 | 2 | 6 | 5 | 3 | 1 | 0 | 6 | 2 | 26 |
| Withdrawn/Dismissed/Reduced | 0 | 7 | 3 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 2 |
| Average Number of Days to Issue a Citation and Fine (from complaint receipt/inspection conducted to citation issued) | 1,581 | 1,293 | 1,333 | 1,352 | 1821 | 1978 | 1419 | 1437 | 1213 | 1576 | 0 | 664 | 2303 | 1379 |
| Total Amount of Fines | | | | | | | | | | | | | | |
| Assessed | \$45,504 | \$198,250 | \$111,000 | \$106,178 | \$10,000 | \$13,000 | \$34,000 | \$27,000 | \$13,000 | \$5,000 | \$5,000 | \$34,000 | \$10,000 | \$151,000 |
| Withdrawn/Dismissed/Reduced | \$0 | \$14,500 | \$15,000 | \$4,000 | \$0 | \$0 | \$0 | \$5,000 | \$0 | \$0 | \$0 | \$0 | \$5,000 | \$10,000 |
| Collected | \$35,864 | \$132,532 | \$102,400 | \$111,457 | \$6,752 | \$10,376 | \$776 | \$15,708 | \$4,170 | \$13,317 | \$11,550 | \$6,836 | \$26,750 | \$96,234 |
| Criminal/Civil Actions | | | | | | | | | | | | | | |
| Referrals for Criminal/Civil Action | 2 | 5 | 5 | 7 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Criminal Actions Filed | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Civil Actions Filed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Office of the Attorney General/Disciplinary Actions | | | | | | | | | | | | | | |
| Cases Opened/Initiated | 40 | 77 | 91 | 133 | 30 | 10 | 7 | 11 | 20 | 16 | 7 | 26 | 56 | 183 |
| Cases Closed | 23 | 23 | 43 | 39 | 5 | 8 | 2 | 5 | 1 | 1 | 1 | 1 | 4 | 28 |
| Cases Pending | 52 | 89 | 129 | 176 | 192 | 195 | 200 | 206 | 220 | 235 | 239 | 263 | 315 | 315 |
| Number of Days to Complete AG Cases | | | | | | | | | | | | | | |
| Up to 1 Year | 1 | 4 | 6 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| 1 to 2 Years | 3 | 3 | 8 | 11 | 2 | 3 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 7 |
| 2 to 3 Years | 4 | 1 | 7 | 3 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 | 3 |
| Over 3 Years | 15 | 15 | 22 | 25 | 3 | 4 | 1 | 3 | 0 | 1 | 1 | 1 | 2 | 16 |
| Average Number of Days to Impose Discipline | 1,237 | 1,086 | 1,117 | 1,273 | 982 | 1339 | 1378 | 1226 | 648 | 2133 | 1331 | 1599 | 1099 | 1304 |
| Formal Actions Filed/Withdrawn/Dismissed | | | | | | | | | | | | | | |
| Statement of Issues Filed | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Accusations Filed | 10 | 22 | 21 | 34 | 5 | 0 | 3 | 3 | 1 | 3 | 2 | 1 | 6 | 24 |
| Restraining/Restriction/Suspension Orders Granted | 0 | 1 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Statement of Issues Withdrawn/Dismissed | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Accusations Withdrawn/Dismissed | 2 | 2 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 |
| Average Number of Days from Closure of Investigation to Imposing Formal Discipline | 964 | 475 | 587 | 397 | 238 | 452 | 0 | 373 | 259 | 441 | 504 | 293 | 0 | 381 |
| Administrative Outcomes/Final Orders | | | | | | | | | | | | | | |
| License Applications Denied | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Revocation | 7 | 2 | 1 | 3 | 1 | 1 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 5 |

| | | | | | | | | | | | | | | |
|--|----------|-----------|-----------|-----------|----------|----------|----------|----------|---------|----------|----------|----------|---------|-----------|
| Surrender of License | 10 | 1 | 5 | 7 | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 3 |
| Probation with Suspension | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Suspension Only | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Probation Only | 8 | 4 | 13 | 13 | 0 | 3 | 1 | 3 | 0 | 1 | 1 | 1 | 0 | 10 |
| Public Reprimand/Public Reproval/Public Letter of Reprimand | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Decisions | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 26 | 8 | 19 | 23 | 2 | 5 | 2 | 5 | 1 | 1 | 1 | 1 | 0 | 18 |
| Probation | | | | | | | | | | | | | | |
| Probations Completed | N/A | 21 | 15 | 16 | 2 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 6 |
| Probationers Pending | N/A | 59 | 57 | 52 | 50 | 52 | 51 | 53 | 53 | 54 | 56 | 57 | 56 | 56 |
| Subsequent Discipline | | | | | | | | | | | | | | |
| Probations Revoked | N/A | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Probationers License Surrendered | N/A | 0 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Additional Probation Only | N/A | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Suspension Only Added | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Conditions Added Only | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Probation Outcome | N/A | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Petition for Modification or Termination of Probation | | | | | | | | | | | | | | |
| Granted | 4 | 1 | 3 | 0 | 2 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 3 |
| Denied | 2 | 0 | 0 | 0 | 0 | 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 | 1 | 0 | 0 | 0 | 1 |
| Denied | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cost Recovery | | | | | | | | | | | | | | |
| Ordered | \$84,250 | \$106,625 | \$304,855 | \$223,208 | \$62,093 | \$39,704 | \$0 | \$34,044 | \$0 | \$38,624 | \$17,359 | \$11,763 | \$0 | \$203,587 |
| Collected | \$66,769 | \$29,193 | \$100,876 | \$340,969 | \$72,865 | \$24,131 | \$31,126 | \$27,430 | \$4,516 | \$6,171 | \$37,014 | \$4,345 | \$6,541 | \$214,139 |
| Restitution to Consumers/Refunds/Savings | | | | | | | | | | | | | | |
| Restitution Ordered | \$3,880 | \$13,251 | \$18,683 | \$6,328 | \$0 | \$2,111 | \$0 | \$0 | \$0 | \$219 | \$0 | \$0 | \$0 | \$2,330 |
| Amount Refunded | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Rework at no Charge | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Adjustments/Returns/Exchanges | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total Savings Achieved for Consumers | \$3,880 | \$13,251 | \$18,683 | \$6,328 | \$0 | \$2,111 | \$0 | \$0 | \$0 | \$219 | \$0 | \$0 | \$0 | \$2,330 |