

MEMORANDUM

| | |
|----------------|---|
| DATE | July 17, 2019 |
| TO | Veterinary Medical Board |
| FROM | Robert Stephanopoulos. Enforcement Manager |
| SUBJECT | Enforcement Report – Agenda Item 15C |

Staff Update

The number of pending cases rose again last quarter to over 1800 cases. This is a result of the enforcement team's lack of resources and growing number of complaints received, which has been further increased by the additional applicant conviction cases now managed by intake and investigations. Management is looking into obtaining additional staff to address this ever-increasing backlog. Further, overtime has been authorized to provide additional resources into the assignment and investigation of this substantial number of cases.

Attorney General's Office Updates

Attorney General and OAH costs rose last quarter due to cases which proceeded with lengthy hearings. As previously mentioned, when a case is transmitted to the AG's office, staff will include terms to which the Board might be willing to agree; however, in some cases, due to the evidence obtained and in the interest of consumer protection, the only terms staff/management will agree to is the surrender of the respondent's license.

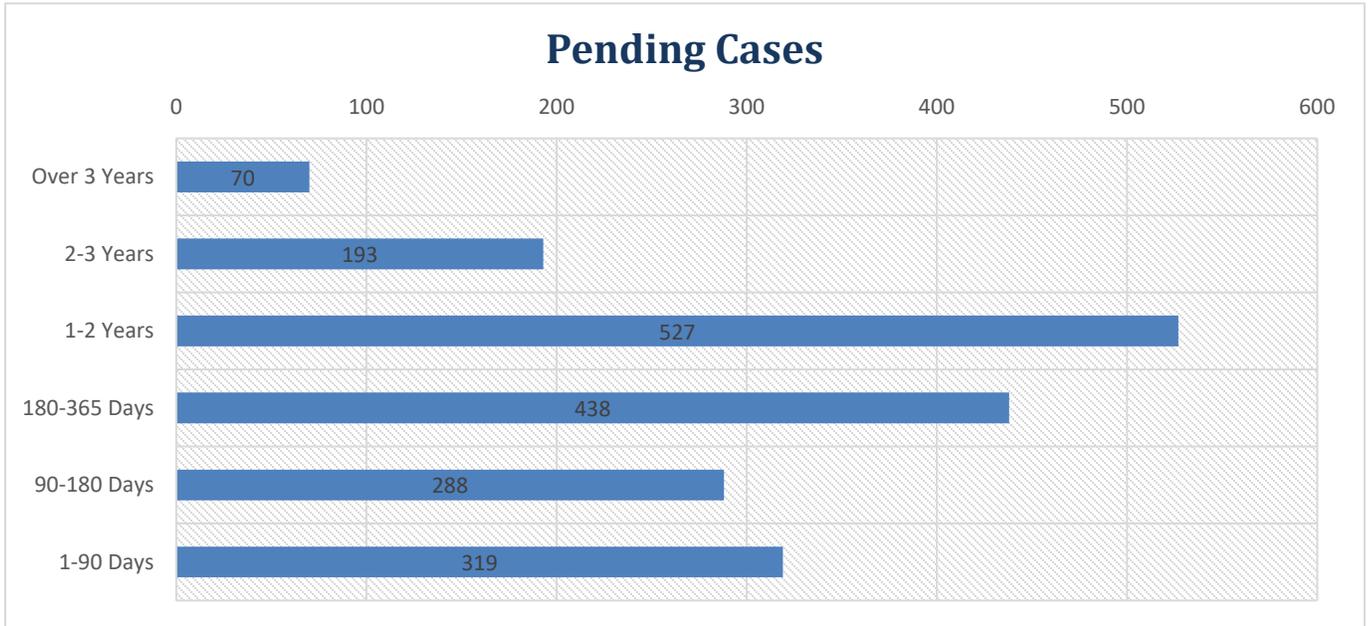
Expert Witness Program

In the interest of streamlining the expert witness program, the Board's new DAG liaison, Karen Denvir, has been invited to provide input to ensure our experts and their resulting reports are the best they can be. In addition, all the Board's experts have been invited to attend the Medical Board of California's expert witness training this fall; trainings will be offered in both northern and southern California.

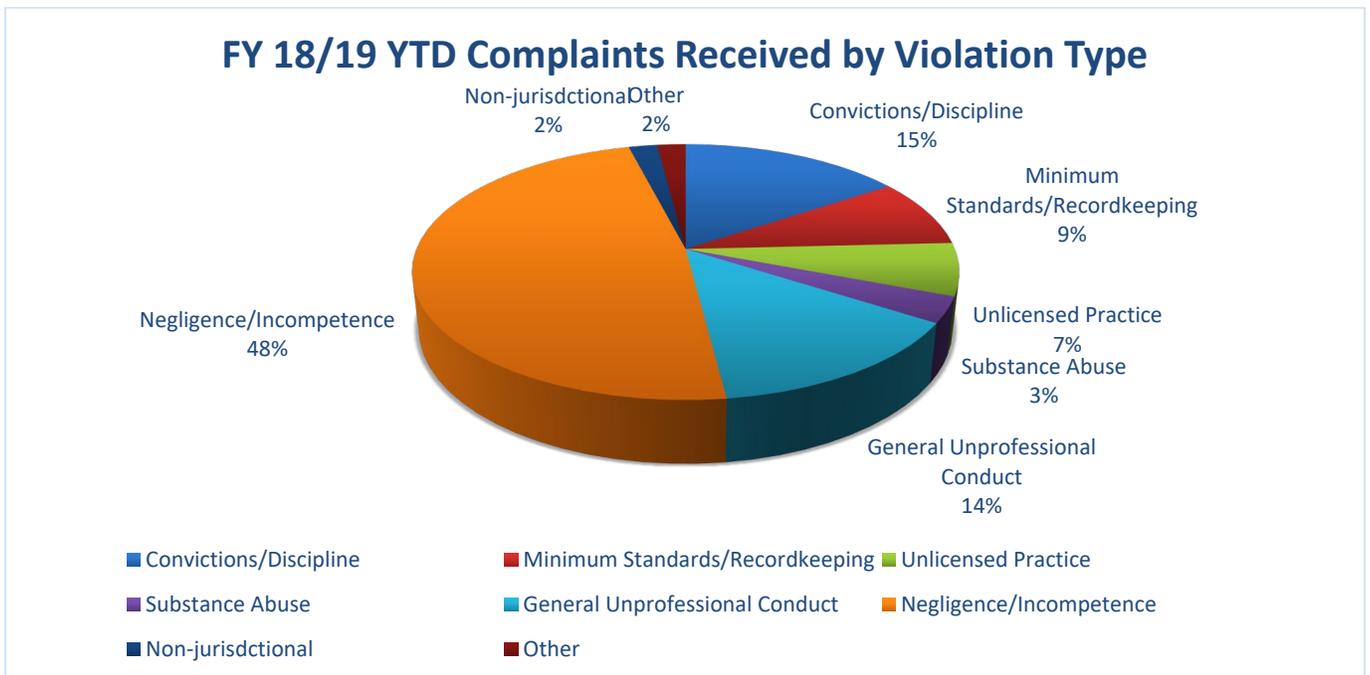
Division of Investigation

Board staff continues to identify whether DOI services are required to further a case. This has resulted in multiple cases being referred to the Board's inspection unit for investigation, providing significant advantages over DOI (reduced cost, quicker turnaround, etc.). DOI is still utilized when an undercover operation is required, and/or when witness statements need to be taken.

Complaint Investigation



As shown in the previous graph, the number of cases over three years rose slightly to 70; however, this is partly because consolidated cases and AG cases are now included in the statistics. In addition, the number of aging complaints which moved into this bracket last quarter matched the number of cases over three years which were closed (over 20). Moreover, with the inclusion of AG, consolidated, and intake cases, each of the bars increased slightly; however, this graph is now representative of the total complaints pending (over 1800). As previously mentioned, enforcement continues to prioritize the oldest cases (along with overall priority specified in BPC [§4875.1](#)) for investigation.



The Board documented a significant number of complaint allegations into BreEZe last quarter; however, it appears the percentages of complaints received by violation type are virtually identical to the figures presented during the previous Board meeting. Once again the Board's highest priority cases per BPC §4875.1 (negligence/incompetence) made up about half of all complaints received, which makes it difficult to efficiently triage cases when half of all cases received are to be expedited based on their high priority.

Pending complaints at intake more than doubled over the months of April and May, approaching 300 complaints pending; however, due to the tireless work of Dillon Christensen, Terry Perry, and Kimberly Gorski, all pending complaints have been assigned. Further, the intake team assigned the most cases to investigation of the prior two fiscal years, coming in at 347. Note: the statistics below do not reflect these intake numbers, as they were pulled prior to this accomplishment.

Mail Vote Results

The results of the April 1, 2019, May 1, 2019, and June 1, 2019 mail vote items can be viewed below.

| STIPULATED SETTLEMENT | VOTE | RESULT |
|---|--|---------------------|
| Goraya, Jaswinder | 5 – Adopt 1 – Hold for Discussion | Adopt |
| Anderson, Joy | 5 – Adopt 1 – Recuse | Adopt |
| PROPOSED DECISION | VOTE | RESULT |
| Hatt, Celina | 5 – Non-adopt 1 – Recuse | Non-adopt |
| Tya Henderson, DVM | 3 – Adopt 2 – Hold for Discussion | Hold for Discussion |
| Morgan Barajas, RVT | 7 – Adopt | Adopt |
| Juan Casillas, DVM | 4 – Adopt 2 – Hold for Discussion 1 – Recuse | Hold for Discussion |
| CORRECTED PROPOSED DECISION | VOTE | RESULT |
| Venetian Pet Hospital; Steven C Ayres, DVM | 7 – Adopt | Adopt |
| Jose Gutierrez, RVT | 7 – Adopt | Adopt |
| STIPULATED SETTLEMENT | VOTE | RESULT |
| Marina Kotlarenko, DVM; Cahuenga Pet Hospital | 7 – Adopt | Adopt |
| Rebecca Wong-Benavidez, DVM | 6 – Adopt 1 – Not Adopt | Adopt |
| DEFAULT | VOTE | RESULT |
| Tiffany Wright, RVT | 7 – Adopt | Adopt |
| Ursula Yeager, RVT | 6 – Adopt | Adopt |
| PETITION FOR TERMINATION OF PROBATION | VOTE | RESULT |
| Amanda Jones, RVT | 6 – Adopt | Adopt |
| Lisa Grosso, RVT | 7 – Adopt | Adopt |
| STIPULATED SURRENDER | VOTE | RESULT |
| Casey Delanoy, DVM | 7 – Adopt | Adopt |
| Hong Park, DVM | 7 – Adopt | Adopt |

Statistical Report

ENFORCEMENT STATISTICS FISCAL YEAR 2017 - 2019

*As of June 20, 2019

| COMPLAINTS AND CONVICTIONS | | | | | | | | | | |
|---|----------------------|----------------------|----------------------|----------------------|------|----------------------|----------------------|----------------------|----------------------|------|
| Complaints and Convictions | FY 2017 - 2018 | | | | | FY 2018 - 2019 | | | | |
| | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD |
| Complaints Received | 281 | 238 | 265 | 238 | 1022 | 239 | 226 | 357 | 321 | 1143 |
| Convictions Received | 20 | 22 | 22 | 15 | 79 | 18 | 39 | 36 | 15 | 108 |
| Average Days to Intake | 3 | 3 | 7 | 12 | 6 | 50 | 56 | 33 | 51 | 47 |
| Closed at Intake | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 2 |
| Pending at intake | 0 | 4 | 28 | 20 | 20 | 179 | 105 | 116 | 121 | 121 |
| <i>Average Days to Intake - Average cycle time from complaint received, to assignment to an investigator.</i> | | | | | | | | | | |

| UNLICENSED ACTIVITY COMPLAINTS RECEIVED | | | | | | | | | | |
|---|----------------------|----------------------|----------------------|----------------------|-----|----------------------|----------------------|----------------------|----------------------|-----|
| Unlicensed Activity Complaints | FY 2017 - 2018 | | | | | FY 2018 - 2019 | | | | |
| | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD |
| Received | 34 | 27 | 9 | 24 | 94 | 24 | 14 | 13 | 12 | 63 |

| DESK INVESTIGATIONS | | | | | | | | | | |
|--|----------------------|----------------------|----------------------|----------------------|------|----------------------|----------------------|----------------------|----------------------|------|
| Desk Investigation | FY 2017 - 2018 | | | | | FY 2018 - 2019 | | | | |
| | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD |
| Assigned | 304 | 257 | 263 | 264 | 1088 | 91 | 327 | 320 | 395 | 1133 |
| Closed | 201 | 268 | 186 | 114 | 769 | 93 | 166 | 109 | 99 | 467 |
| Average Days to Complete | 235 | 178 | 261 | 316 | 247 | 351 | 345 | 232 | 198 | 287 |
| Pending | 807 | 779 | 851 | 1002 | 1002 | 996 | 1151 | 1372 | 1667 | 1667 |
| <i>Average Days to Complete Desk Investigations - Average cycle time from complaint receipt to closure</i> | | | | | | | | | | |

| SWORN INVESTIGATIONS | | | | | | | | | | |
|--|----------------------|----------------------|----------------------|----------------------|-----|----------------------|----------------------|----------------------|----------------------|-----|
| Sworn Investigations | FY 2017 - 2018 | | | | | FY 2018 - 2019 | | | | |
| | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD |
| Assigned | 4 | 32 | 19 | 17 | 72 | 6 | 10 | 3 | 1 | 20 |
| Closed | 15 | 13 | 16 | 11 | 55 | 24 | 18 | 7 | 8 | 57 |
| Average Days to Complete | 490 | 279 | 482 | 345 | 349 | 279 | 400 | 484 | 409 | 368 |
| Pending | 60 | 77 | 81 | 81 | 81 | 62 | 55 | 50 | 43 | 43 |
| <i>Average Days to Complete Sworn Investigations - Average cycle time from complaint receipt to closure.</i> | | | | | | | | | | |

| ALL TYPES OF INVESTIGATIONS | | | | | | | | | | |
|-----------------------------|----------------------|----------------------|----------------------|----------------------|------|----------------------|----------------------|----------------------|----------------------|------|
| All Types of Investigations | FY 2017 - 2018 | | | | | FY 2018 - 2019 | | | | |
| | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD |
| Closed Without Discipline | 176 | 243 | 155 | 263 | 837 | 82 | 156 | 118 | 106 | 462 |
| Cycle Time - No Discipline | 261 | 161 | 233 | 333 | 247 | 330 | 369 | 240 | 203 | 295 |
| All pending cases | 867 | 860 | 960 | 1103 | 1103 | 1199 | 1311 | 1538 | 1831 | 1831 |

ENFORCEMENT STATISTICS FISCAL YEAR 2017 - 2019

*As of June 20, 2019

| CITATIONS | | | | | | | | | | |
|--|----------------------|----------------------|----------------------|----------------------|-----|----------------------|----------------------|----------------------|----------------------|------|
| Citations | FY 2017 - 2018 | | | | | FY 2018 - 2019 | | | | |
| | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD |
| Issued | 13 | 2 | 2 | 8 | 25 | 0 | 4 | 3 | 0 | 7 |
| Avg Days to Complete Cite | 703 | 175 | 753 | 755 | 596 | N/A | 1081 | 969 | N/A | 1033 |
| Citations appealed | 3 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 |
| <i>Average Days to Issue a Citation - Average cycle time from complaint receipt to the effective date of the citation.</i> | | | | | | | | | | |

| ATTORNEY GENERAL CASES | | | | | | | | | | |
|--------------------------------|----------------------|----------------------|----------------------|----------------------|-----|----------------------|----------------------|----------------------|----------------------|-----|
| Attorney General Cases | FY 2017 - 2018 | | | | | FY 2018 - 2019 | | | | |
| | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD |
| Initiated / Referred to the AG | 27 | 19 | 15 | 5 | 66 | 10 | 15 | 37 | 12 | 40 |
| Pending at the AG | 95 | 100 | 95 | 86 | 86 | 127 | 126 | 145 | 123 | 123 |
| Statement of Issues Filed | 11 | 8 | 16 | 8 | 43 | 1 | 1 | 1 | 3 | 6 |
| Accusations Filed | 9 | 11 | 5 | 11 | 36 | 8 | 3 | 9 | 2 | 22 |

| ATTORNEY GENERAL CASES CLOSURES | | | | | | | | | | |
|---|----------------------|----------------------|----------------------|----------------------|-----|----------------------|----------------------|----------------------|----------------------|-----|
| AG Case Action | FY 2017 - 2018 | | | | | FY 2018 - 2019 | | | | |
| | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD |
| Closed Without Discipline* | 2 | 2 | 0 | 1 | 5 | 7 | 3 | 8 | 22 | 40 |
| Closed With Discipline | 11 | 10 | 9 | 15 | 45 | 12 | 13 | 10 | 12 | 47 |
| Average Days to Close (Discipline) | 756 | 553 | 566 | 909 | 696 | 807 | 643 | 239 | 1079 | 710 |
| <i>Average Days to Close a Discipline Case - Average cycle time from complaint receipt to the effective date of disciplinary order.</i> | | | | | | | | | | |
| <i>*Closed without discipline relates to cases which have been withdrawn, dismissed, or declined by the AG's office.</i> | | | | | | | | | | |

| PROBATION | | | | | | | | | | |
|----------------------------------|----------------------|----------------------|----------------------|----------------------|-----|----------------------|----------------------|----------------------|----------------------|-----|
| Probation | FY 2017 - 2018 | | | | | FY 2018 - 2019 | | | | |
| | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD | QTR 1 (Jul - Sep) | QTR 2 (Oct - Dec) | QTR 3 (Jan - Mar) | QTR 4 (Apr - Jun) | YTD |
| New Probation Cases | 11 | 4 | 8 | 8 | 31 | 10 | 8 | 3 | 8 | 29 |
| Probation Completed | 4 | 7 | 2 | 0 | 13 | 8 | 6 | 6 | 7 | 27 |
| Active Cases | 108 | 106 | 104 | 100 | 100 | 107 | 109 | 106 | 107 | 107 |
| Probationary Licenses | 4 | 1 | 0 | 1 | 6 | 0 | 5 | 2 | 0 | 7 |
| All applicants pending licensure | 17 | 22 | 18 | 16 | 16 | 22 | 20 | 16 | 14 | 14 |
| Tolled | 6 | 7 | 6 | 8 | 8 | 8 | 8 | 10 | 10 | 10 |
| Petition to Revoke | 4 | 9 | 12 | 18 | 18 | 15 | 17 | 19 | 21 | 21 |