



MEMORANDUM

DATE	April 1, 2022
TO	Veterinary Medical Board (Board)
FROM	<u>Enforcement Managers</u> Matt McKinney Patty Rodriguez Robert Stephanopoulos
SUBJECT	Agenda Item 16.C. Enforcement Report

Staff Update

In February 2022, Stanley Peterson, Probation Monitor with the Board accepted a position with the Dental Board of California as a Special Investigator. While we are saddened to see Mr. Peterson depart the Board after a relatively short tenure, we wish him best of luck in this promotional opportunity. On April 1, 2022, Kathy Budd filled the vacant position. Ms. Budd comes from CalPERS in their Health Account Management Division where she gained familiarity in the analysis and interpretation of various laws and regulations. We are excited to see how Ms. Budd’s experience with laws and regulations carries over to her new duties.

Also in February 2022, Jennifer Tarrant, Enforcement Analyst, accepted a promotional position with the California Housing Finance Agency, we also wish Ms. Tarrant best of luck in her new opportunity. The Board hired Anna Fulton to fill this vacancy and anticipates an April 25, 2022, start date. Ms. Fulton comes from the Medical Board of California in their Discipline Coordination Unit and brings a background of enforcement experience with her. As someone with background in enforcement procedures with a DCA board, we anticipate Ms. Fulton will be a welcomed asset to the team.

We also had our Enforcement Analyst, Lori Kent, retire from State service in February. We want to express our gratitude to Ms. Kent for 7 years of service and dedication to the Board and 13 years of State Service to the Department. We wish her the best in her retirement. The Board hired Bryce Salasky to fill this vacant position, with an April 18, 2022, start date. Mr. Salasky comes from the California Department of Justice (DOJ) where he was a Staff Services Analyst since 2020, working in DOJ’s Record Management Branch. He serves as DOJ’s Subject Matter Expert on the arrest and disposition life cycle. Recently, Mr. Salasky was placed on a special project associated with AB 1793 related to Cannabis Convictions, sealing various records. Prior to working with DOJ, Mr. Salasky was a Background Investigator for a private investigation and security service. We look forward to welcoming him to the Enforcement Team.

In March 2022, Enforcement Technician Lisa Chan accepted an IT position with the Contractors State License Board. We would like to thank Ms. Chan for her two years of service with the Board and wish her well in her new role. Interviews with several excellent candidates have been completed, and the Board anticipates filling this position by the end of April.

In addition, the Board made a conditional offer to a candidate to fill the vacated Enforcement Technician position and anticipates making a formal offer as soon as clearance is obtained from DCA’s Office of Human Resources (OHR). This previous part-time position was converted to a much-needed full-time position for the Enforcement Team.

Due to the significant cost savings found in enforcement and licensing, the Board received approval to hire four additional limited term analysts, which will be absorbed by the Board's existing budget allocation. These analysts will assist with the complaint investigation backlog. These positions have posted, and we anticipate filling them next month. While it will take time to train the new staff, we look forward to making significant strides in reducing the current backlog in the coming months and for the analysts to have a more manageable workload.

BreEZe Improvements and Enforcement User Group (EUG) *(Strategic Plan Objective 1.1.7)*

The EUG is a coalition of the Department's Enforcement users, including managers and analysts from member boards and bureaus as well as staff from the Office of Information Systems committed to improving the Department's enforcement databases.

An issue was identified in the way the BreEZe system assigns case activities where, if case assignments and activities were added in a certain order, assigning or reassigning the case to an Enforcement Analyst resulted in not only the case, but multiple case-related activities populating on the analyst's dashboard in BreEZe. With the caseloads of the analysts averaging approximately 250, this issue resulted in cluttering the dashboard of the analyst to the point of being meaningless.

Through a BreEZe Maintenance and Operations (BMO) request, the Board's Enforcement Managers requested a change to the BreEZe system with the intent of preventing the aforementioned case activity assignments from populating on the analysts' dashboards, resulting in the dashboard only displaying actual cases. As this BMO would impact all BreEZe Boards, the EUG was required to be polled for approval through a majority vote.

The polling initially resulted in mixed results, which precipitated an EUG meeting where the matter could be discussed in a teleconference with EUG representatives with the idea that articulating the issues vocally and hearing the responses and potential concerns in real time would facilitate the change being approved and discussion among EUG member boards in general.

As a result of the meeting, the proposed BMO was approved with no objections, including the boards who had previously opposed the BMO changing to votes of approval. In addition to the BMO being approved, the EUG determined to begin meeting more regularly again as meetings had taken a hiatus since the beginning of the COVID-19 pandemic. During the discussion of future meetings, an opportunity arose to appoint Co-Chairs of the EUG. Mr. McKinney volunteered and will be Co-Chairing the EUG, which is expected to resume meeting in June 2022.

Inspections

In the last quarter (FY 2021/2022, Q3), the Board inspectors performed 1 routine inspection and 6 complaint related inspections. Three citations were issued to managing licensees and facilities who had violations that were repeated from prior inspections and/or failed to demonstrate compliance with the minimum standards within a reasonable timeframe.

In March, the Board welcomed two new inspectors for the Orange County and Riverside/San Bernardino area to the team. They will begin inspecting facilities later this month.

The Board continues to struggle with the lack of inspector availability, especially in Fresno County and surrounding areas. Inspections are dependent on inspector schedules, most of who work full time in clinics and serve as relief veterinarians. The Board's Executive Officer is working with other DCA Board EOs to explore alternative solutions, including hiring analysts to conduct inspections.

The Board was recently informed that the much-anticipated mobile inspection app has been significantly delayed due to lack of DCA resources within their IT team. The Board's EO is working with DCA and other Boards with inspection programs to explore all options to obtain the mobile app.

Intake

The Board ended Quarter 3 of FY 21/22 meeting the 10-day performance target as Probation Technician assisted with the intake process as well as enforcement analysts with prior intake experience assisting as needed. With the last intake position being filled in May, the Board anticipates maintaining the performance target given that the position will no longer be a part-time position. Once the new intake technician is trained, staff hopes to continue work on the case scanning project that was halted due to staff vacancies.

The Board has received 131 more complaints and 47 more convictions in Q3 YTD than at the end of Quarter 3 of FY 20/21 and is on course to receiving a record number of complaints again this fiscal year.

While negligence and/or incompetence allegations continue to be the majority of complaints received at 35%, this is a significant decrease from this time last year which was 54%. Despite this decrease, the complexity of these cases remains a challenge. Unprofessional Conduct cases saw an increase as well from 15% last year to 23% currently. The percentage of Minimum Standard cases have more than doubled, 9% last year and currently 21%; this also remains a challenge due to ongoing struggles to retain inspectors.

Investigations

The Board currently has approximately 3,790 pending cases, with nearly 600 of these over three years old. Management continues to meet regularly with the entire enforcement team on an ongoing basis as well as continuing to meet with staff weekly on an individual level. As communication continues to improve and processes continue to be streamlined and fine-tuned, staff hopes to continue making strides in reducing the backlog.

Expert Witness Program

The Board's Deputy Attorney General (DAG) Liaison, Ms. Karen Denvir, and the MDC's Complaint Audit Subcommittee, Drs. Bradbury and Sequoia, provided the Subject Matter Expert (SME) training to 13 Board SMEs (50% of the Board's contracted SMEs). The training covered the enforcement process, the SMEs role in the process, administrative hearings, veterinary-specific issues and addressed concerns raised during the Subcommittee's case review specific to standard of care, negligence, incompetence, and documentation. Those SMEs who could not attend the training received a link to the recording, so they can watch at their earliest convenience.

Probation

In January 2022, the Enforcement Team reported working with DCA's BreEZe Reports Team to track probationers' data more efficiently. As of February 2022, the data and BreEZe design for the probation report has been updated, and BreEZe can now run relevant probation data in a "one-click" report. The Probation Unit strives to remain consistent with how activities and milestones are recorded in BreEZe to ensure the functionality of reports such as this is sustainable long-term.

Since the last Board meeting, one licensee began their probation and one completed their probation, leaving 67 total probationers, 11 of which are tolled. The probation monitors are actively investigating 123 pending enforcement complaints against 43 of the probationers.

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 March 1, Board expenditures in Attorney General costs are \$24,475.

2021 Costs	
May	\$9,955
Jun.	\$2,365
Jul.	\$7,040
Aug.	\$2,640
Sep.	\$275
Oct.	\$0
Nov.	\$110
Dec.	\$275
Jan.	\$880
Feb.	\$935
Total	\$24,475

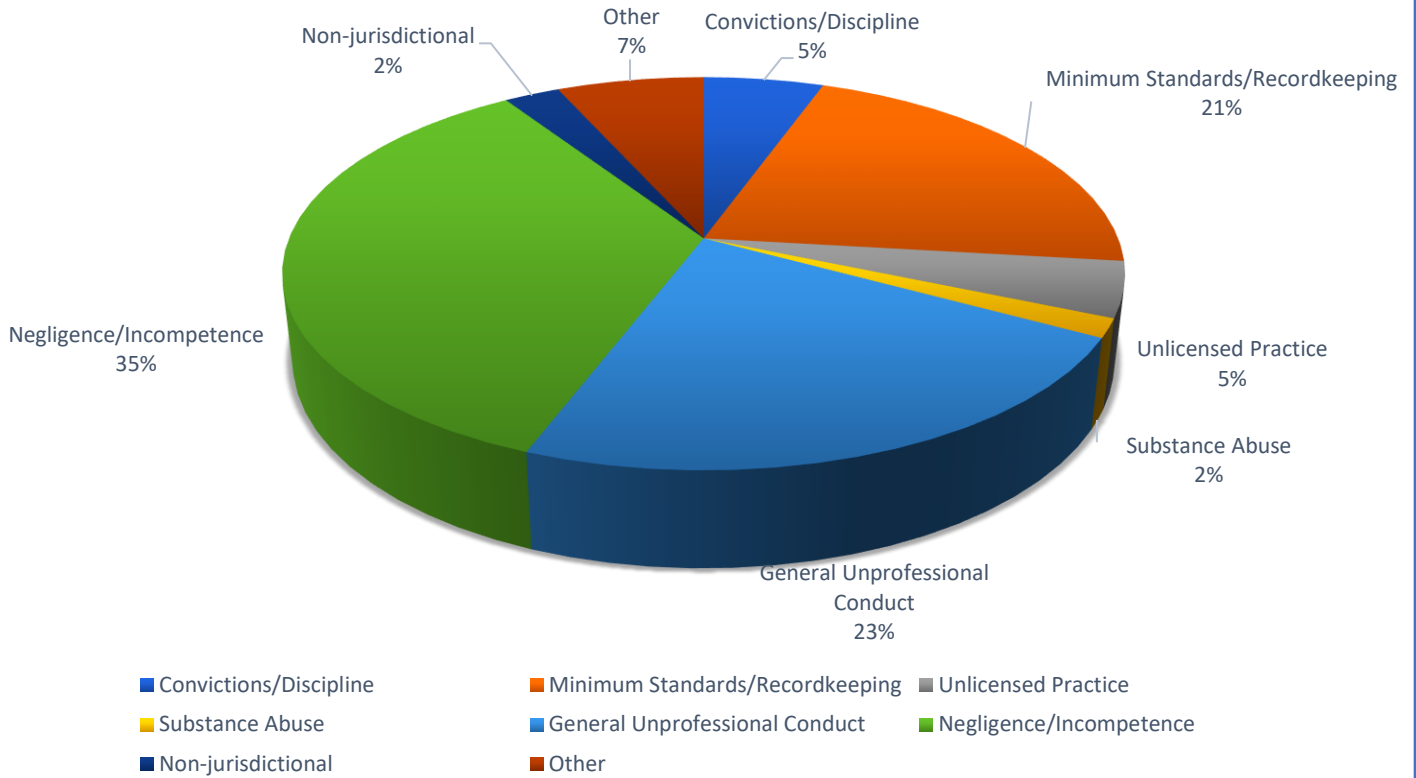
Disciplinary Action Vote Results

STIPULATED SETTLEMENT	VOTE	RESULT
Wayne Cockrell, DVM (Case No. 4602021001071)	6 - Adopt	Adopt
Nirip Shokar, DVM (Case No. 4602018000393)	6 - Adopt	Adopt
Perry Diamond, DVM (Case No. 4602016000273)	7 - Adopt	Adopt

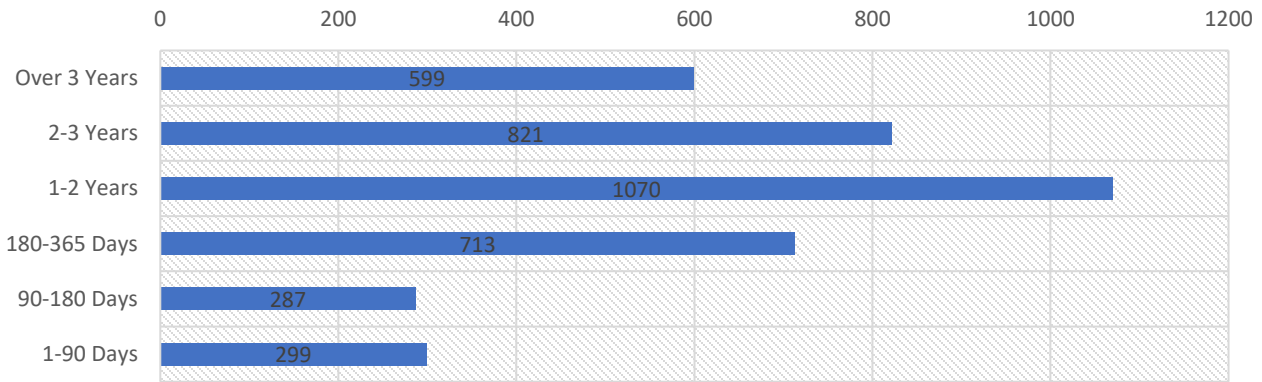
Attachment

1. Enforcement Statistics

FY 21/22 YTD Complaints Received by Violation Type



Pending Cases



Enforcement Statistics

COMPLAINTS AND CONVICTIONS												
	FY 2019/20	FY 2020/21	FY 2021/22									
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	YTD
Complaints Received	1139	1487	155	148	121	139	89	101	120	103	137	1113
Convictions Received	166	146	11	21	19	24	14	17	17	13	11	147
Average Days to Intake	10	11	8	6	7	11	12	18	21	14	5	11
Closed without Investigation	1	4	0	7	5	2	3	0	23	9	18	67
Pending at intake	6	18	36	35	21	49	53	128	44	47	11	11
UNLICENSED ACTIVITY COMPLAINTS RECEIVED												
	FY 2019/20	FY 2020/21	FY 2021/22									
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	YTD
Received	60	68	15	17	15	12	6	7	6	5	5	88
DESK INVESTIGATIONS												
	FY 2019/20	FY 2020/21	FY 2021/22									
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	YTD
Assigned	1332	1583	151	161	150	135	99	44	199	103	170	1212
Closed	625	524	50	58	80	77	127	140	115	129	137	913
Average Days to Complete	309	338	637	591	801	781	767	937	738	833	665	769
Pending	2416	3501	3,543	3,647	3,720	3,778	3,750	3,655	3,740	3,714	3,748	3748
SWORN INVESTIGATIONS												
	FY 2019/20	FY 2020/21	FY 2021/22									
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	YTD
Assigned	11	12	2	0	9	0	2	9	2	4	3	31
Closed	11	11	1	0	0	1	2	1	0	3	4	12
Average Days to Complete	550	159	215	N/A	N/A	91	281	438	N/A	295	87	212
Pending	12	13	13	13	22	21	21	29	31	32	31	31
CASE INVESTIGATIONS												
	FY 2019/20	FY 2020/21	FY 2021/22									
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	YTD
Closed Without Discipline	639	555	49	55	76	72	128	122	113	127	134	876
Cycle Time - No Discipline	277	290	551	644	766	728	734	963	735	830	652	754
Pending complaints/investigations	2434	3532	3592	3695	3763	3848	3824	3812	3815	3793	3790	3790
COMPLAINT RELATED INSPECTIONS												
	FY 2019/20	FY 2020/21	FY 2021/22									
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	YTD
Performed	52	24	1	2	1	0	3	1	0	3	3	13
Closed	19	33	3	0	1	1	1	1	0	1	1	8
Pending	68	51	51	52	51	50	49	54	55	57	59	59
Average Days to Complete	524	401	913	N/A	1459	224	331	475	N/A	1202	1557	880
ROUTINE INSPECTIONS												
	FY 2019/20	FY 2020/21	FY 2021/22									
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	YTD
Performed	134	10	0	1	2	3	2	0	1	0	0	9
Closed	339	22	0	0	0	1	0	1	1	1	7	11
Pending	91	49	49	49	49	48	48	47	46	45	27	27
Average Days to Complete	490	804	N/A	N/A	N/A	2072	N/A	2026	1165	1652	1553	1694
CITATIONS												
	FY 2019/20	FY 2020/21	FY 2021/22									
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	YTD
Citations Issued	24	17	1	2	7	4	5	7	0	4	3	33
Avg Days to Complete Cite	1316	1579	1,568	1,554	1,010	1,316	1,282	1,503	298	526	1,343	1214
Citations appealed	1	2	0	0	2	0	0	1	0	0	0	3
ATTORNEY GENERAL CASES												
	FY 2019/20	FY 2020/21	FY 2021/22									
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	YTD
Initiated / Referred to the AG	34	38	3	4	2	5	2	25	1	6	3	51
Pending at the AG	99	54	59	61	58	60	61	86	87	92	88	88
Statement of Issues Filed	3	1	0	0	0	0	0	0	0	0	0	0
Accusations Filed	16	10	1	0	2	3	0	5	0	2	1	14
Pet. to Revoke Probation Filed	7	1	1	0	0	1	0	0	0	0	0	2
ATTORNEY GENERAL CASES CLOSURES												
	FY 2019/20	FY 2020/21	FY 2021/22									
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	YTD
Closed Without Discipline	8	2	0	0	3	0	0	0	0	0	0	3
Closed With Discipline	46	74	2	0	1	1	0	0	0	1	3	9
Average Days to Close (Discipline)	929	1253	1090	N/A	1502	1097	N/A	N/A	N/A	605	1391	1195
PROBATION												
	FY 2019/20	FY 2020/21	FY 2021/22									
	YTD	YTD	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	YTD
Initiated	-	8	1	0	1	0	0	0	0	1	0	3
Completed	-	27	2	3	0	1	2	2	0	1	0	11
Tolled	-	12	10	10	10	10	10	10	11	11	11	11
Total Probationers	-	75	74	71	72	71	69	67	67	67	67	67
Biological Fluid Testing	-	22	23	23	23	23	23	23	23	23	23	23