



MEMORANDUM

DATE	October 20, 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

During the July Board meeting, management provided information on the four limited-term analysts, whose positions were absorbed by the Board’s existing budget allocation. It was reported during that meeting the Board had made job offers to candidates for the two-remaining limited-term vacancies. Those offers were ultimately accepted, and the new analysts began employment with the Board on August 1, 2022.

The first of these individuals is Brett Jarvis, who is new to state service. Brett is a Chief Electronics Technician with the US Navy Reserves who manages the communications unit and supports cargo logistics when serving.

The second of the limited-term positions was filled by Haley Barnhard. Haley was a Courtroom Clerk with the Sacramento Superior Court where she prepared court proceeding records, maintained the Judge’s court calendar and provided training to new clerks. Management was recently notified that Haley has been offered and accepted a permanent appointment with the California Department of Real Estate. Management is working with DCA’s Office of Human Resources to recruit and fill the vacancy.

Effective September 22, 2022, Probation Monitor Kathy Budd returned to her previous appointment at the California Public Employees’ Retirement System for personal reasons. The vacant position was posted on September 27, 2022 and will be filled as soon as a candidate can be identified and cleared through the State’s hiring process.

The Board continues requirement efforts to fill the vacant Enforcement Technician position and conducted interviews on September 30, 2022 and October 5, 2022. A job offer was extended to a candidate for the position on October 7, 2022.

Inspections

Routine inspection assignments resumed this month. Inspectors have been assigned a conservative number of inspection assignments in order for Management to monitor the inspection workload and measure how efficiently staff can process the workload that arises from the inspections.

An additional inspector has been added in Southern California as well as an inspector in the East Bay Area. Staff will continue to recruit inspectors in the geographical areas of need.

Board staff is working with DCA's Office of Information Services (OIS) to assist in the development of the mobile inspection app as a result of being awarded the California Department of Technology modernization grant. At a recent meeting, the OIS Chief Information Officer announced DCA would be exploring other platforms with greater technology to meet the needs of the participating programs and other DCA programs in the future. OIS has tasked the DCA's Organizational Improvement Office to work with Board staff to update the Inspection process mapping to aid in this effort.

Intake

The Board began FY 2022/23 just outside of meeting the 10-day performance target with an average of 18-days. During the reporting period, the Board received 399 complaints, which puts the annual pace close to 1600. If those numbers prove to be consistent for the remainder of FY 2022/2023, the Board will receive slightly less complaints this FY than the prior FY. Once the Board refills the now vacant intake technician position, it should be able to maintain the performance target to open and assign cases.

During the first quarter of FY 2022/23, the Board saw a significant decrease in the number of unlicensed complaints received, making up only 4% of the complaints received during the reporting period.

Negligence and/or incompetence allegations continue to represent the majority of complaints received, increasing from 38% during the final quarter of FY 2021/22 to 52% for the first quarter of FY 2022/23.

Investigations

The Board began FY 2022/23 with 3,856 cases pending. It should be noted case closures have continued their upward trend, which can be attributed to the increase in staff with the four limited-term analysts starting work and the Enforcement Unit becoming more trained and proficient within their duties. With the hiring of the four limited-term analysts now complete, the Enforcement Unit has elected to meet weekly to collaborate as well as ensure all analysts and managers are involved in the dissemination of new procedures as well as promoting more opportunities for comprehensive training provided to the team overall.

During each of the first three months of FY 2022/23, the pending caseload saw downward trends. As of the reporting period, approximately 650 of the Board's pending cases are over three years old, and the directive of the Board continues to be working on the oldest cases, while complying with our statutory priority set forth in Business and Profession Code [§4875.1](#).

With the hiring and training of new staff and continued training of current staff, the Board has seen continued increases in monthly closures, with 169 closures in both August and September 2022. That figure exceeds any single month from FY 2021/22. The Enforcement Unit has also determined to increase all-staff meetings to weekly for the

time being to continue collaborating on cases and discussing best practices and approaches for investigating cases. Completed investigations are projected to increase by 43% over FY 2021/22.

Ms. Siefertman secured spots in the Council on Licensure, Enforcement, and Regulation's (CLEAR) National Certified Investigation & Inspector Training (NCIT) program for enforcement staff and managers. The NCIT is a two-part, three-day course comprised of Basic and Specialized courses. The courses cover topics and subjects including, but not limited to professional conduct, principles of administrative law and the regulatory process, the investigative process, evidence collecting, tagging, and storage, interviewing techniques, investigator safety, reporting writing, and testifying in administrative and criminal proceedings. Staff and management attended the NCIT in-person training September 27-29, 2022. Individuals were placed in one of the two courses based on investigative experience and whether they had taken the Basic course previously. Those initially enrolled in the Basic course were also enrolled in the Specialized course, which session is scheduled for November 7-9, 2022.

The Board issued five citations in the first quarter of FY 2022/23. The Board also referred 28 cases referred to the Attorney General's office during the first quarter. Extrapolated over a year-long period, the Board is on pace to nearly double the number of referrals from the prior FY. As Board staff work the oldest investigations, cycle times for discipline and citations continue to be high.

Expert Witness Program

The Multidisciplinary Committee's (MDC) Complaint Audit Subcommittee (Subcommittee), made up of Drs. Bradbury and Sequoia, met in September to discuss some of the goals of the Subcommittee. During this meeting, the Subject Matter Expert (SME) recruitment, training, and case review were covered.

As indicated during the prior MDC/Board meetings and requested by our SMEs, Board SMEs were provided with a set of real-world scenarios crafted by the Subcommittee to enhance the training provided by the Medical Board of California (MBC). SMEs were asked to review these scenarios and opine on whether a deviation from the standard of care occurred. The resulting feedback will be used to strengthen future training. SMEs were also advised of the available MBC Expert Reviewer Training events in September and October (if they hadn't previously attended). In addition, the Subcommittee has drafted an initial reference list for discussion during the MDC meeting.

Board SME requirements will be discussed during the October MDC meeting to determine if any changes are necessary/beneficial. Board staff polled other DCA boards to not only view their expert requirements, but also to inquire into the rate of pay provided to those experts for their services. Thankfully, the bottleneck of lack of experts for case investigations is loosening, as the Board contracted with 11 new experts since the previous Board/MDC meeting.

Finalized case reviews by the Subcommittee continue and the valuable feedback from the Subcommittee has been provided to the involved SMEs. As previously mentioned, the feedback from the Subcommittee will ensure SME reports are stronger and any potential pleading issues based on opinions can be addressed and discussed.

Probation

The Probation Monitor is actively investigating 86 pending enforcement complaints against 33 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 two Petitions for Revocation/Accusations. Probation staff continue to monitor compliance with disciplinary orders and initiate cases for revocation when good cause exists.

Since the last update, three licensees began their probation and five completed their probation, leaving 57 total probationers, 12 of which are tolled. The Probation Unit is currently 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 October 1, 2022, Board expenditures in Attorney General costs are \$30,690.

FY 2021-2023 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
Mar.	\$1,045
Apr.	\$0
May	\$0
Jun.	\$0
Jul.	\$0
Aug.	\$2,805
Sep.	\$2,365
Total	\$30,690

Disciplinary Action Vote Results

DEFAULT DECISION	VOTE	RESULT
Sandra Salvia, RVT (Case No. 4602019000441)	6 – Adopt	Adopt
PETITION FOR EARLY TERMINATION OF PROBATION	VOTE	RESULT

Jennifer K. Hartman (Case No. 4602017000277)	5 – Adopt / Confirm	Adopt
PETITION FOR REINSTATEMENT		
Amandeep Singh, DVM (Case No. AV 2015-26)	5 – Adopt / Confirm	Adopt

Attachment

1. Enforcement Statistics

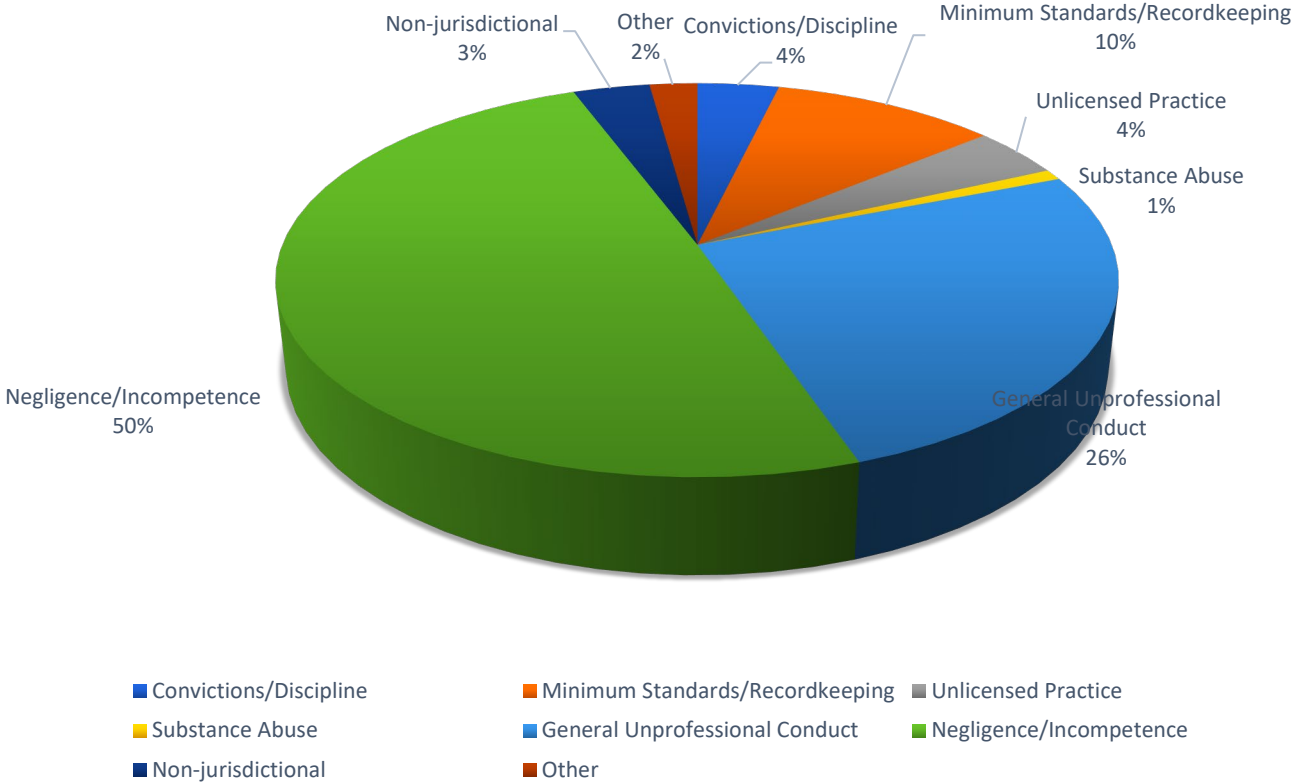
Summary of Enforcement Activity						
Enforcement Activity	20/21	21/22	2022/2023			
Consumer Complaints – Intake	YTD	YTD	July	Aug.	Sep.	YTD
Received	1499	1519	141	131	102	374
Closed Without Referral for Investigation	4	77	3	3	1	7
Referred for Investigation	1485	1448	100	127	136	363
Pending	29	16	56	57	46	46
Conviction/Arrest Notification Complaints						
Received	146	186	6	20	11	37
Closed Without Referral for Investigation	3	3	0	0	1	1
Referred for Investigation	141	184	3	12	18	33
Pending	2	1	3	11	3	3
Inspections						
Conducted	50	41	9	5	4	18
Citations Issued	0	10	0	0	0	0
Investigations						
Open	1626	1,632	147	151	113	411
Closed	560	1,297	129	169	165	463
Pending	3508	3,818	3,792	3,767	3,749	3,749
Cases Closed within Timeframe to Complete Intake and Investigations						
Up to 90 Days	339	274	25	32	33	90
91 to 180 Days	29	65	6	7	5	18
181 Days to 1 Year	36	116	14	19	4	37
1 to 2 Years	62	145	18	27	26	71
2 to 3 Years	22	167	17	24	21	62
Over 3 Years	72	530	49	60	76	185
Average Number of Days from Receipt of Complaint to Assignment of Investigator (start of investigation)	9	34	18	21	14	18
Average Number of Days for All Investigation Outcomes (from start investigation to referral for prosecution or case closure without referral for prosecution)	300	763	746	741	804	764
Average Number of Days to from Receipt of Complaint to Referral for Prosecution or Case Closure Without Referral for Prosecution	309	796	763	762	837	787

Citations and Fines						
Issued without a Fine	0	0	0	0	0	0
Issued with a Fine	16	48	1	4	0	5
Withdrawn/Dismissed/Reduced	0	7	1	1	0	2
Average Number of Days to Issue a Citation and Fine (from complaint receipt/inspection conducted to citation issued)	1581	1293	306	1131	N/A	966
Total Amount of Fines						
Assessed	\$38,004	\$203,250	\$5,000	\$17,000	\$0	\$22,000
Withdrawn/Dismissed/Reduced	0	\$14,500	\$1,000	\$5,000	\$0	\$6,000
Collected	\$21,504	\$129,366	\$16,779	\$5,529	\$13,740	\$36,048
Criminal/Civil Actions						
Referrals for Criminal/Civil Action	2	6	0	0	0	0
Criminal Actions Filed	0	0	0	0	0	0
Civil Actions Filed	0	0	0	0	0	0
Office of the Attorney General/Disciplinary Actions						
Cases Opened/Initiated	40	77	8	28	0	36
Cases Closed	23	11	0	3	2	5
Cases Pending	52	89	93	118	116	116
Number of Days to Complete AG Cases						
Up to 1 Year	1	1	0	0	1	1
1 to 2 Years	3	3	0	0	1	1
2 to 3 Years	4	0	0	0	0	0
Over 3 Years	15	7	2	1	0	3
Average Number of Days to Impose Discipline	1237	1,189	1,602	1,256	428	1,095
Formal Actions Filed/Withdrawn/Dismissed						
Statement of Issues Filed	1	0	0	0	0	0
Accusations Filed	10	22	1	0	0	1
Restraining/Restriction/Suspension Orders Granted	0	1	0	0	0	0
Statement of Issues Withdrawn/Dismissed	1	0	0	0	0	0
Accusations Withdrawn/Dismissed	2	2	0	0	0	0

Average Number of Days from Closure of Investigation to Imposing Formal Discipline	964	475	739	0	252	496
Administrative Outcomes/Final Orders						
License Applications Denied	0	0	0	0	0	0
Revocation	7	2	0	0	0	0
Surrender of License	10	1	1	0	0	1
Probation with Suspension	1	0	0	0	0	0
Suspension Only	0	0	0	0	0	0
Probation Only	8	4	0	1	2	3
Public Reprimand/Public Repeval/Public Letter of Reprimand	0	1	0	0	0	0
Other Decisions	0	0	0	0	0	0
Total	26	8	1	1	2	4
Probation						
Probations Completed	N/A	21	1	2	2	5
Probationers Pending (close of FY)	N/A	59	58	57	57	57
Subsequent Discipline						
Probations Revoked	N/A	0	0	0	0	0
Probationers License Surrendered	N/A	0	1	0	0	1
Additional Probation Only	N/A	1	0	0	0	0
Suspension Only Added	N/A	0	0	0	0	0
Other Conditions Added Only	N/A	0	0	0	0	0
Other Probation Outcome	N/A	0	0	0	0	0
Petition for Modification or Termination of Probation						
Granted	4	1	1	0	1	2
Denied	2	0	0	0	0	0
Petition for Reinstatement of Revoked License/Registration/Certification						
Granted	2	0	0	0	0	0
Denied	1	0	1	0	0	1
Cost Recovery						
Ordered	\$119,392	\$135,133	\$15,000	\$19,158	\$136,363	\$170,520
Collected	\$42,799	\$28,393	\$800	\$800	\$6,276	\$7,876
Restitution to Consumers/Refunds/Savings						
Restitution Ordered	\$3,880	\$13,251	\$0	\$12,433	\$0	\$12,433
Amount Refunded	\$0	\$0	\$0	\$0	\$0	\$0
Rework at no Charge	\$0	0	0	0	0	0

Adjustments/Returns/Exchanges	\$0	0	0	0	0	0
Total Savings Achieved for Consumers	\$3,880	\$13,251	\$0	\$12,433	\$0	\$12,433

FY 22/23 YTD Complaints Received by Violation Type



Pending Cases

