



MEMORANDUM

DATE	July 5, 2023
TO	Veterinary Medical Board (Board)
FROM	<u>Enforcement Managers</u> Matt McKinney Patty Rodriguez Robert Stephanopoulos
SUBJECT	Agenda Item 15.C. Enforcement Report

Staff Update

Since its last meeting, Matt McKinney, one of the Board’s enforcement program managers, accepted the position of Deputy Executive Officer (DEO). As DEO, Mr. McKinney will supervise, direct, and manage the daily Board activities, and perform the more precise and complex duties associated with the various Board programs. Mr. McKinney has been with the Board since February 2021, and is looking forward to continue working with the Board in an increased capacity.

Licensing manager, Tim Rodda has accepted a position with the Architects Board as a specialist. Mr. Rodda’s time with the Board was extremely impactful where he focused on eliminating any application/licensing backlogs and addressed increasing efficiencies to reduce processing cycle times, while emphasizing customer service. We thank him for his service and wish well in his new endeavor.

Since Mr. Rodda’s position was posted quickly, Board enforcement analyst, Kim Phillips-Francis interviewed for and was hired for the vacancy. Ms. Phillips-Francis started with the Board in 2020 as an office technician, and steadily worked her way up as a staff services analyst and later an associate governmental program analyst. During her time with the Board, she was closely involved with streamlining the Board’s intake program, working on the discipline cleanup project, and tracking probationer statuses.

The Board’s lead probation monitor, Jeffrey Weiler, accepted a management position with the Board of Vocational Nursing and Psychiatric Technicians as a probation manager. During his time with the Board, Mr. Weiler was instrumental in the revamping of the probation unit. The Board thanks him for his dedication and hard work and wishes him best of luck in his new position. The vacant position was posted, and recruitment is ongoing.

Efforts continue to fill the vacant enforcement technician position. Interviews were conducted the first week of June, however, with no candidates identified, the position was reposted.

Inspections

The Board ended FY 2022/2023 with 116 inspections conducted. This is a marked improvement, nearly tripling the number of inspections compared to FY 2021/2022. The Inspection webinar held during the fiscal year was well received and well attended. Another Inspection webinar is scheduled for the end of July, which will be presented by Board Inspectors. Additional webinars will be scheduled later this year.

At the start of the fiscal year, the Board received a \$600,000 grant from the California Department of Technology's Technology Modernization Fund to assist in the development of the much-anticipated mobile inspection app. While the Board's EO and management worked with DCA's Office of Information Services (OIS) throughout the year, along with other DCA programs, OIS staff encountered challenges that resulted in the Department's inability to develop the application by the 12-month deadline. Fortunately, the Board EO and OIS leadership were once again successful in retaining the grant and obtaining another 12 months to plan and design this project.

Intake

During FY 22/23, the Board received 1,797 new complaints. The Board's continued process improvements and efficiencies will assist with this increase; however, additional staff will inevitably be needed to keep up with the increasing workload. To that end, the Board continues efforts to fill the vacant office technician position. Since the position was vacated in April 2023, the Board has seen a gradual rise in the number of days from receipt of a complaint to assignment and ended FY 22/23 averaging 17 days.

Investigations

The Board began FY 22/23 with nearly 3,900 cases pending, which was exponentially rising year over year. Due to staff efforts, implemented efficiencies, and redirected resources, the Board is currently able to close slightly more complaints than it received with existing resources. The Board's pending complaints at the end of FY 22/23 decreased to 3,716. The Board anticipates recruiting season clerks to temporarily assist with less technical aspects of the enforcement process.

During FY 22/23, the Enforcement Unit closed a record 1,976 investigations, 23% of which were less than one year old, and 67% percent were less than three years old. The average number of days from receipt of a complaint to the assignment of an analyst decreased 50% compared to last fiscal year. In addition, the average number of days to complete an investigation has also decreased.

Training

In April 2023, DCA announced implementation of diversity, equity, and inclusion (DEI) training opportunities covering topics including unconscious bias, understanding differences, and understanding DEI in the workplace. The initial round of trainings occurred over June 2023, and all Board staff registered and participated in the trainings.

Enforcement Process Updates

BreEZe Update

The Board recently implemented a new Activity Code in its BreEZe system configuration to assist with identifying and tracking cases reviewed by the Board's consultants. The

new Activity Code identifies the case as on the queue Board staff uses for cases awaiting consultant review and has dispositions associated with the outcome of said consultant review, once complete. This update will not only allow Board staff and management to identify with greater ease which cases are awaiting consultant review and what their respective outcomes were, but also gives the Board a metric to track cycle times for consultant reviews like other performance measures. The update went live on June 28, 2023.

Subject Matter Expert Program

At the end of May, the Board held another quarterly subject matter expert (expert) training. After a short introduction and review of the current state of enforcement, attendees were asked to encourage any potential colleagues to apply to become an expert.

Shortly into the training, one of the Board's seasoned consultants, Dr. Jeni Goedken gave a presentation on how to approach the case review process. Dr. Goedken covered a significant number of topics and provided hypothetical situations, which she felt from her experience could take some of the mystery out of analyzing a case and writing a report. During her presentation, she covered some of the following:

- Preliminary review of case charts and taking notes
- Reviewing materials submitted by complainant and respondent while checking for discrepancies
- Knowing your audience
- Constructing a summary outline
- Avoiding legal terms
- Using footnotes and references
- Identifying a lack of knowledge

The Board's DAG liaison Karen Denvir was also in attendance to give feedback from the attorney general's office, as well as the staff-created continuous improvement team, to provide enforcement analyst input.

The next quarterly training is set to occur August 24, 2023.

Probation

The Probation Monitor is actively investigating 48 pending enforcement complaints against 15 probationers. Currently, there are three Petitions for Early Termination pending with the Probation Unit. Since the last meeting, the Probation Unit has filed three Petitions for Revocation.

Since the last update, six new licensees began probation and one completed their probation, leaving 57 total probationers, 12 of which are tolled.

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 June 1, 2023, total Board expenditures in Attorney General costs are \$33,165.

Disciplinary Action Vote Results

Since the last Board meeting, the Board adopted 10 out of 11 disciplinary matters, as follows:

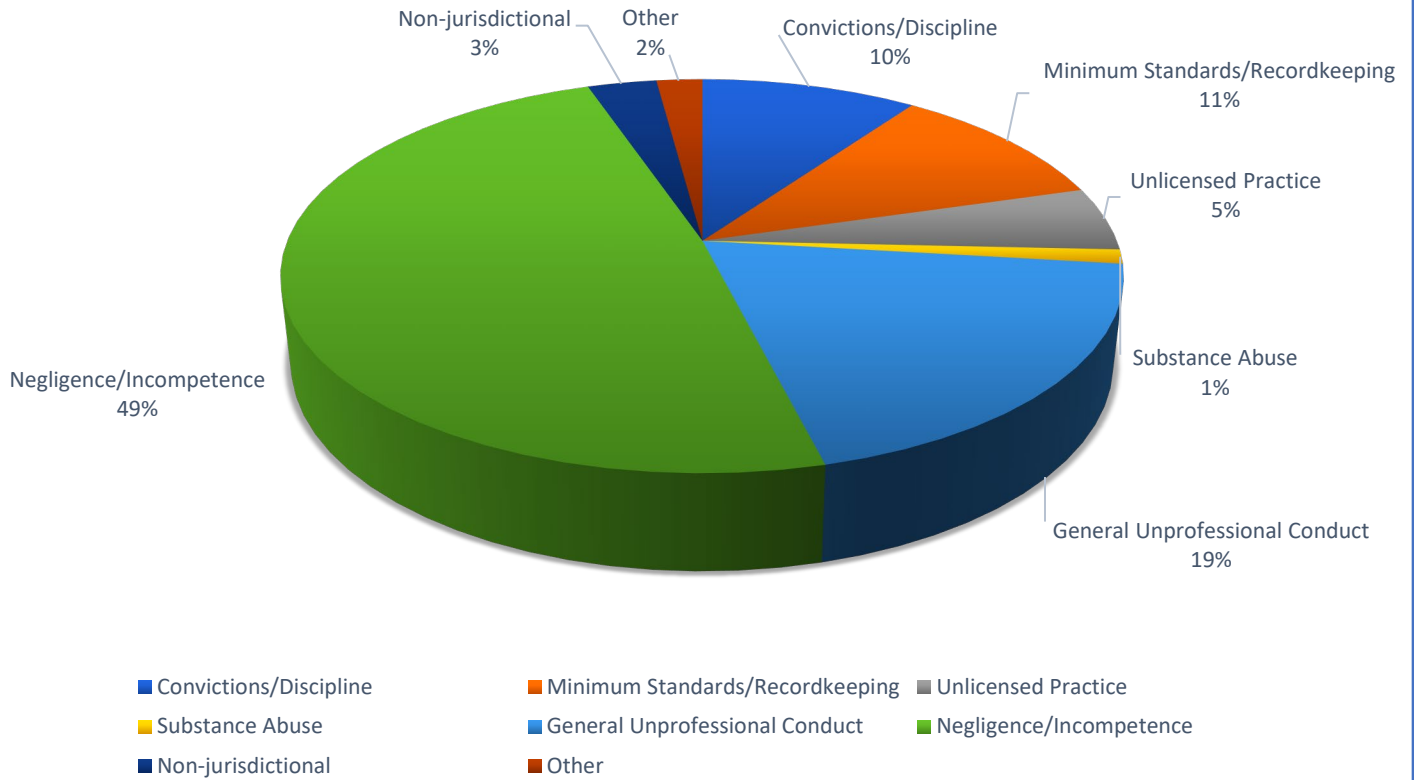
DEFAULT DECISION	VOTE	RESULT
Angie Christie Ziegler (Case No. 4602023001058)	6 – Adopt	Adopt
PROPOSED DECISION	VOTE	RESULT
Fumie Yamamoto (Case No. 4602018000025)	4 – Adopt 1 – Hold for Discussion 1 – Recuse	Adopt
STIPULATED SETTLEMENTS	VOTE	RESULT
Samuel Henry Bradley (Case No. 4602021001573)	7 – Adopt 1 – Hold for Discussion	Adopt
Cathaleen Canfield (Case No. 4602021001575)	7 – Adopt 1 – Hold for Discussion	Adopt
Ryan Scott Carpenter (Case No. 4602021000379)	7 – Adopt 1 – Hold for Discussion	Adopt
Timothy Michael Herrick (Case No. 4602020001068)	6 – Adopt 1 – Hold for Discussion	Adopt
Vincent A. Baker (Case No. 4602021000371)	3 – Adopt 2 – Hold for Discussion	Hold for Discussion
Jose Choy (Case No. 4602017001121)	6 – Adopt	Adopt
Sarah Graybill Jones (Case No. 4602021000381)	5 – Adopt 1 – Hold for Discussion	Adopt
Kevin Douglas Schlanger (Case No. 4602018000121)	6 – Adopt	Adopt
Amal F. Zakhary (Case No. 4602018000160)	5 – Adopt 1 – Hold for Discussion	Adopt

The item held for discussion will be discussed during the July closed session.

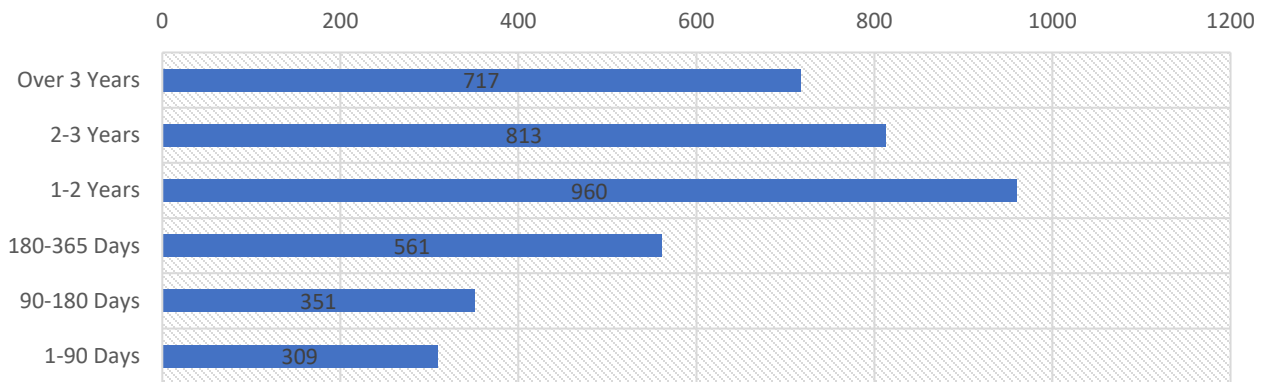
Attachment

1. Enforcement Statistics

FY 22/23 YTD Complaints Received by Violation Type



Pending Cases



Summary of Enforcement Activity															
Enforcement Activity	20/21	21/22	2022/2023												
Consumer Complaints – Intake	YTD	YTD	July	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	YTD
Received	1499	1519	144	134	133	144	124	119	129	134	143	132	138	113	1587
Closed Without Referral for Investigation	4	77	3	2	4	13	8	11	10	6	6	2	1	2	68
Referred for Investigation	1485	1448	103	127	134	163	123	105	118	124	133	117	129	134	1510
Pending	29	16	48	53	48	16	9	12	12	16	21	33	41	18	18
Conviction/Arrest Notification Complaints															
Received	146	186	6	20	21	20	8	17	24	18	27	14	24	11	210
Closed Without Referral for Investigation	3	3	0	0	1	1	0	0	0	0	1	0	0	0	3
Referred for Investigation	141	184	3	12	18	31	9	16	25	18	24	15	20	16	207
Pending	2	1	3	11	13	1	0	1	0	0	2	1	5	0	0
Inspections															
Conducted	50	41	9	5	4	6	9	13	16	15	6	12	17	4	116
Citations Issued	0	10	0	0	0	1	2	0	0	2	0	0	1	0	5
Investigations															
Open	1626	1,632	106	139	152	194	132	121	143	142	157	132	149	150	1,717
Closed	560	1,297	132	171	168	181	150	186	141	150	172	174	182	169	1,976
Pending	3545	3,885	3,879	3,847	3,831	3,847	3,830	3,775	3,809	3,812	3,814	3,762	3,750	3,716	3,716
Cases Closed within Timeframe to Complete Intake and Investigations															
Up to 90 Days	339	274	27	32	31	41	27	72	36	27	46	42	35	47	463
91 to 180 Days	29	65	7	7	5	7	6	7	8	7	2	7	15	8	86
181 Days to 1 Year	36	116	14	19	4	7	13	18	12	11	13	22	15	22	170
1 to 2 Years	62	145	18	26	26	22	28	20	33	29	31	27	33	15	308
2 to 3 Years	22	167	18	24	22	36	31	34	16	18	26	32	19	24	300
Over 3 Years	72	530	48	63	80	68	45	35	36	58	54	44	65	53	649
Average Number of Days from Receipt of Complaint to Assignment of Investigator (start of investigation)	9	34	22	23	24	19	14	18	19	18	15	11	13	15	17
Average Number of Days for All Investigation Outcomes (from start investigation to referral for prosecution or case closure without referral for prosecution)	300	763	739	739	860	772	736	542	600	799	679	619	710	674	706
Average Number of Days from Receipt of Complaint to Referral for Prosecution or Case Closure Without Referral for Prosecution	309	796	740	773	857	777	752	546	627	799	704	647	722	660	717
Citations and Fines															
Issued without a Fine	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Issued with a Fine	16	48	1	4	0	4	7	5	0	2	0	0	1	2	26
Withdrawn/Dismissed/Reduced	0	7	1	1	0	1	0	0	0	0	0	0	0	0	3
Average Number of Days to Issue a Citation and Fine (from complaint receipt/inspection conducted to citation issued)	1581	1293	306	1131	N/A	1828	1507	1311	N/A	1684	N/A	N/A	2091	804	1333
Total Amount of Fines															
Assessed	\$38,004	\$203,250	\$5,000	\$17,000	\$0	\$20,000	\$35,000	\$21,500	\$0	\$10,000	\$0	\$0	\$5,000	\$7,500	\$121,000
Withdrawn/Dismissed/Reduced	0	\$14,500	\$5,000	\$5,000	\$0	\$5,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$15,000
Collected	\$21,504	\$129,366	\$13,779	\$8,779	\$9,218	\$2,505	\$5,455	\$10,860	\$27,200	\$3,605	\$6,655	\$4,080	\$210	\$9,937	\$102,283
Criminal/Civil Actions															
Referrals for Criminal/Civil Action	2	6	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Actions Filed	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Civil Actions Filed	0	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	9	30	1	3	22	6	3	8	0	2	2	5	91
Cases Closed	23	11	3	3	2	5	1	4	2	0	5	7	1	6	39
Cases Pending	52	89	94	121	120	119	136	138	139	146	140	133	134	129	129

Agenda Item 15.C.1
Attachment 1

Number of Days to Complete AG Cases																
Up to 1 Year	1	1	0	0	0	0	0	0	0	0	0	2	0	0	0	0
1 to 2 Years	3	3	0	0	2	1	0	1	0	0	0	2	1	0	0	4
2 to 3 Years	4	0	0	1	0	1	0	0	0	0	0	1	0	3	6	
Over 3 Years	15	7	3	2	0	3	1	3	2	0	5	2	0	0	0	12
Average Number of Days to Impose Discipline	1237	1,189	1,668	1,084	468	1,325	660	1,562	2,054	0	1,162	836	709	825	1,029	
Formal Actions Filed/Withdrawn/Dismissed																
Statement of Issues Filed	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Accusations Filed	10	22	1	0	0	2	4	3	1	0	2	1	5	2	21	
Restraining/Restriction/Suspension Orders Granted	0	1	0	0	0	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	0	
Accusations Withdrawn/Dismissed	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	
Average Number of Days from Closure of Investigation to Imposing Formal Discipline	964	475	225	769	338	513	287	660	456	N/A	1005	442	N/A	536	587	
Administrative Outcomes/Final Orders																
License Applications Denied	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Revocation	7	2	1	0	0	0	0	0	0	0	0	0	0	0	1	
Surrender of License	10	1	1	0	0	0	0	2	1	0	0	1	0	0	5	
Probation with Suspension	1	0	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	0	
Probation Only	8	4	1	1	1	2	0	2	0	0	0	2	0	4	13	
Public Reprimand/Public Revocation/Public Letter of Reprimand	0	1	0	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	0	
Total	26	8	3	1	1	2	0	4	1	0	0	3	0	4	19	
Probation																
Probations Completed	N/A	21	1	2	2	3	2	0	1	2	1	1	0	0	15	
Probationers Pending	N/A	59	57	56	56	54	53	55	54	52	51	53	53	57	57	
Subsequent Discipline																
Probations Revoked	N/A	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Probationers License Surrendered	N/A	0	0	0	0	0	0	1	0	0	0	2	0	0	3	
Additional Probation Only	N/A	1	0	0	0	0	0	0	0	0	0	0	0	0	0	
Suspension Only Added	N/A	0	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	0	
Other Probation Outcome	N/A	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Petition for Modification or Termination of Probation																
Granted	4	1	1	0	1	1	0	0	0	0	0	0	0	0	3	
Denied	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Petition for Reinstatement of Revoked License/Registration/Certification																
Granted	2	0	0	0	0	0	0	0	0	0	0	1	0	0	1	
Denied	1	0	1	0	0	0	0	0	0	0	0	0	0	0	1	
Cost Recovery																
Ordered	\$119,392	\$135,133	\$15,000	\$19,158	\$131,424	\$8,846	\$500	\$94,962	\$0	\$0	\$0	\$19,534	\$0	\$44,975	\$334,399	
Collected	\$42,799	\$28,393	\$800	\$800	\$1,150	\$7,851	\$7,417	\$30,649	\$3,125	\$11,779	\$6,590	\$13,690	\$7,090	\$30,716	\$121,657	
Restitution to Consumers/Refunds/Savings																
Restitution Ordered	\$3,880	\$13,251	\$0	\$12,433	\$0	\$6,250	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$18,683	
Amount Refunded	\$0	\$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	\$0	
Adjustments>Returns/Exchanges	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Total Savings Achieved for Consumers	\$3,880	\$13,251	\$0	\$12,433	\$0	\$6,250	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$18,683	