



MEMORANDUM

DATE	April 2, 2024
TO	Veterinary Medical Board (Board)
FROM	<u>Enforcement Managers</u> Patty Rodriguez Robert Stephanopoulos
SUBJECT	Agenda Item 20.C. Enforcement Report

Enforcement Leads

In March, the structure of the Enforcement Unit and workload of the Unit’s Program Managers was evaluated with the conclusion that the teams and Program Managers would both benefit from establishing team leads. The opportunity was presented to all Enforcement team members in the Associate Governmental Program Analyst classification. As the number of interested staff exceeded the number of positions available, interviews were scheduled to be conducted with all interested team members to create an equitable process. Interviews were conducted the final week of March where Ashley Sanchez, Andrea Amaya-Torres, and Zakery Tippens were selected as Enforcement Leads. The Enforcement Managers will work with DCA’s Office of Human Resources to establish the positions formally once candidates are selected.

Inspections

Recruitment efforts continue as the Board still needs an Inspector in the Fresno area. To that end, staff continues working with the Department’s Office of Public Affairs (OPA) to create an informational video for inspector recruitment. OPA staff is currently working on a script based on the inspectors’ feedback. Inspectors Jacki Smith and Amber Kuykendall will be assisting with the filming of the video. OPA will also create and a video on what to expect during a routine inspection. This video will assist Managing Licensees, Practice Managers, and veterinary staff on how to prepare in the event their facility is selected for an inspection.

On February 13, Board staff and SME Jim Howard met with representative of the Drug Enforcement Agency (DEA). DEA is eager to collaborate on investigations and outreach opportunities on a state and national level. Staff will be working with DEA representatives to schedule webinars focused on DEA issues in conjunction with Inspection webinars.

The Mobile Inspection Application project kicked off recently. Board staff and Departmental Office of Information staff are working with the vendor, Tyler Tech, to develop the application. The vendor anticipates user testing to commence as early as May. They anticipate the application to go live possibly in September.

Intake

Thus far in FY 23/24, the average number of days to assign a case is slightly above our target time of ten days but is six days less than the average intake time in FY 22/23 and over twenty days less than the average intake time in FY 21/22. Management continues to meet with the Intake team to identify gaps and create efficiencies in the intake process.

As of the date of this report, there are 18 cases that need to be opened and assigned to an analyst.

Investigations

Board staff remains focused on reducing the complaint backlog, which is just under 3,600 pending cases. Current staffing levels and implemented efficiencies have made it possible to slightly cut into this number each month.

Based on the number of complaints received so far, it appears the Board might see a slight decrease in annual complaints received. Further, due to multiple enforcement vacancies and lack of Subject Matter Experts (Experts), the Board will likely close fewer investigations this fiscal year than the prior fiscal year.

Subject Matter Expert Program

On November 16, 2023, the Board held another Quarterly Expert Round Table. Areas discussed during this meeting included the review process, case assignments, new verbiage on requests for medical records as well as hypothetical case questions. Additionally, the Board Consultants met with staff prior to the Expert Round Table to discuss various topics. During this meeting Dr. Jeff Pollard shared an interesting document obtained from the Maryland Board of Veterinary Medical Examiners website. The document explains the complaint process in detail to Maryland consumers. Staff are looking into posting similar information on the Board's website to facilitate the complaint process for consumers to improve clarification of the complaint process to California consumers.

On March 21, 2024, Board Consultants met to discuss potential improvements to the initial review process and submit suggestions to update the Expert Guidelines. As a result, the Expert Guidelines have been updated and provided to all Experts for discussion during the March 28, 2024, Quarterly Expert Round Table.

Probation

The Probation Monitor is actively investigating 38 pending enforcement complaints against 10 probationers. Currently, there are two Petitions for Early Termination and three Petitions for Reinstatement pending with the Probation Unit.

Since the last update, five licensees began probation and seven completed their probation, leaving 48 total probationers, 9 of which are tolled.

In January, Probation staff participated in Maximus training and were provided an overview of the program's website to better monitor licensees currently enrolled in the program.

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, 2024, total Board expenditures in Attorney General costs are \$35,695.

Disciplinary Action Vote Results

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

STIPULATED SETTLEMENTS	VOTE	RESULT
Marina Kotlarenko (Case No. 46020220021667)	5 – Adopt 1 – Hold for Discussion	Adopt
Paul Weber (Case No. 4602021001367)	6 – Adopt	Adopt
Emmanuel Tamajong Mumah (Case No. 4602019001171)	5 – Adopt 1 – Hold for Discussion	Adopt
Juan Campos (Case No. 4602019001340)	4 – Adopt 2 – Hold for Discussion	Hold for Discussion
Ayman Ibrahim (Case No. 4602022001729)	4 – Adopt 1 – Hold for Discussion	Adopt
Perng Lee (Case No. 1002474655)	5 – Adopt	Adopt
Baltej Singh (Case No. 4602018000945)	6 – Adopt	Adopt
Miguel Angel Constantino Gomez (Case No. 4602019001361)	6 – Adopt	Adopt
Davinder Singh Sandhu (Case No. 4602023001213)	4 – Adopt 2 – Hold for Discussion	Hold for Discussion
DEFAULT DECISION	VOTE	RESULT
Kerry Cline (Case No. 4602019000241/4602023001159)	5 – Adopt 1 – Hold for Discussion	Adopt
PROPOSED DECISION	VOTE	RESULT
Shaheen Mallick (Case No. 4602020000369)	5 – Alternative Option 1 - Reject	Alternative Option
Gurdeep Deol (Case No. 4602018000997)	5 – Adopt 1 – Hold for Discussion	Adopt

The items held for discussion will be discussed during the April closed session.

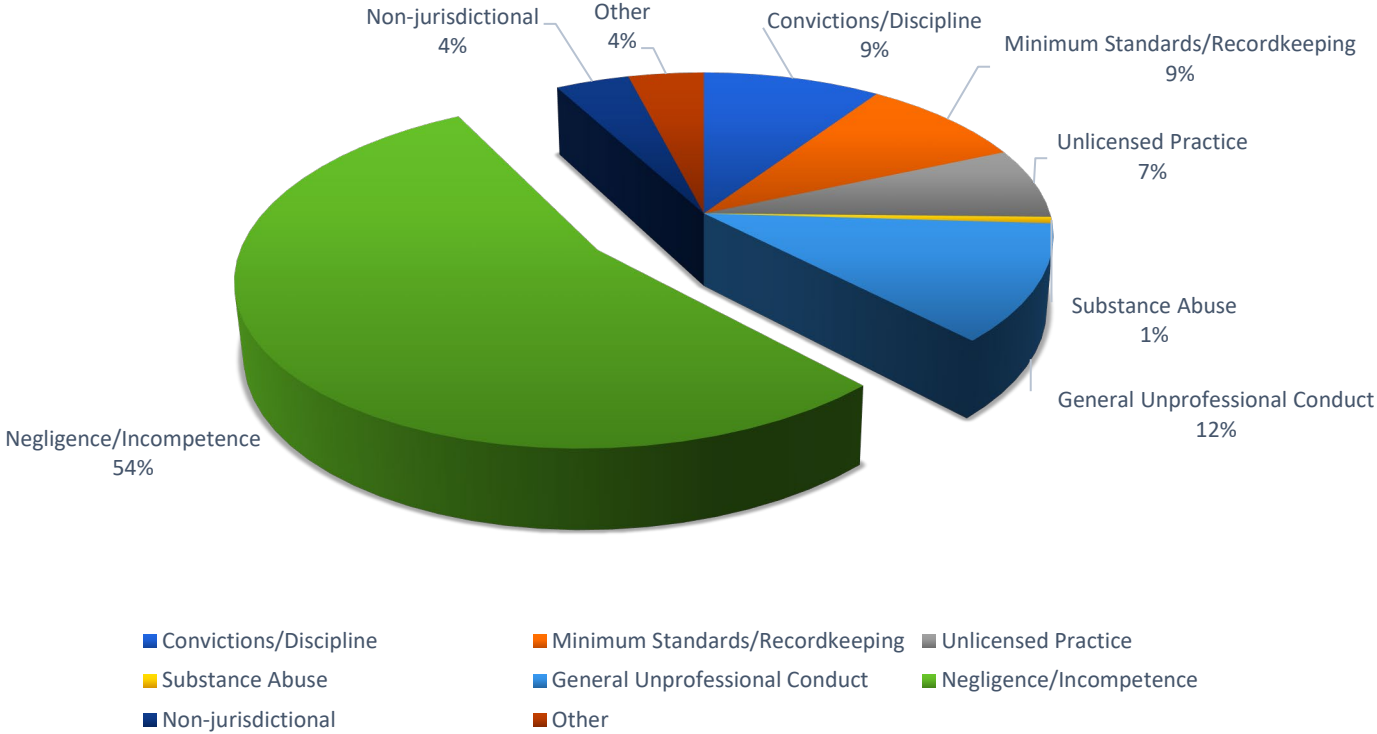
Attachment

1. Enforcement Statistics

Summary of Enforcement Activity													
Enforcement Activity	20/21	21/22	22/23	23/24									
	YTD	YTD	YTD	July	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	YTD
Consumer Complaints – Intake													
Received	1,499	1,519	1,587	131	149	147	118	124	123	143	123	137	1,195
Closed Without Referral for Investigation	4	77	68	4	8	11	5	12	15	11	6	11	83
Referred for Investigation	1,485	1,448	1,510	119	98	157	147	101	116	133	130	118	1,119
Pending	29	16	18	34	77	56	22	33	24	22	9	18	18
Conviction/Arrest Notification Complaints													
Received	146	186	210	10	20	24	9	13	20	13	17	11	137
Closed Without Referral for Investigation	3	3	3	0	0	0	0	0	0	0	0	0	0
Referred for Investigation	141	184	207	10	16	28	12	10	19	18	13	16	142
Pending	2	1	0	5	9	5	2	5	6	1	5	0	0
Inspections													
Conducted	50	41	116	13	15	4	3	17	21	25	22	11	131
Citations Issued	0	10	5	2	0	0	1	0	0	0	0	0	3
Investigations													
Open	1,626	1,632	1,717	129	114	185	159	111	135	151	143	134	1,403
Closed	560	1,297	1,976	129	222	208	149	131	140	161	162	182	1,484
Pending	3,545	3,885	3,716	3,745	3,636	3,614	3,627	3,611	3,616	3,619	3,598	3,578	3,578
Cases Closed within Timeframe to Complete Intake and Investigations													
Up to 90 Days	339	274	463	33	23	33	36	20	41	26	31	25	268
91 to 180 Days	29	65	86	17	7	8	6	5	6	7	8	12	76
181 Days to 1 Year	36	116	170	9	13	11	13	11	15	14	11	13	110
1 to 2 Years	62	145	308	22	23	30	15	10	23	32	33	40	228
2 to 3 Years	22	167	300	15	25	47	42	35	15	30	27	46	282
Over 3 Years	72	530	649	33	131	79	37	50	40	52	52	46	520
Average Number of Days from Receipt of Complaint to Assignment of Investigator (start of investigation)	9	34	17	14	11	12	12	13	18	10	15	10	11
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	616	971	850	710	848	663	770	824	765	780
Average Number of Days from Receipt of Complaint to Referral for Prosecution or Case Closure Without Referral for Prosecution	309	796	717	629	980	869	721	860	680	779	828	774	790
Citations and Fines													
Issued without a Fine	0	0	0	0	0	0	0	0	1	0	0	0	1
Issued with a Fine	16	48	26	2	3	1	2	1	0	2	0	1	12
Withdrawn/Dismissed/Reduced	0	7	3	0	0	0	0	0	0	0	0	0	0
Average Number of Days to Issue a Citation and Fine (from complaint receipt/inspection conducted to citation issued)	1,581	1,293	1,333	1,844	987	1,553	1,440	1,560	2,345	1,470	N/A	229	1,397
Total Amount of Fines													
Assessed	\$38,004	\$203,250	\$121,000	\$6,000	\$15,000	\$3,000	\$10,000	\$5,000	\$0	\$10,000	\$5,000	\$5,000	\$59,000
Withdrawn/Dismissed/Reduced	\$0	\$14,500	\$15,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Collected	\$21,504	\$129,366	\$102,283	\$8,580	\$25,797	\$16,677	\$1,019	\$10,942	\$3,442	\$8,142	\$5,292	\$6,265	\$86,155
Criminal/Civil Actions													
Referrals for Criminal/Civil Action	2	6	1	0	1	1	1	0	0	0	0	0	3
Criminal Actions Filed	0	0	1	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
Office of the Attorney General/Disciplinary Actions													
Cases Opened/Initiated	40	77	91	3	19	11	9	10	4	0	37	18	111
Cases Closed	23	23	39	5	19	0	0	6	5	10	8	2	55
Cases Pending	52	89	129	120	119	130	138	143	142	132	160	175	171
Number of Days to Complete AG Cases													
Up to 1 Year	1	4	6	0	4	0	0	0	0	0	0	0	4
1 to 2 Years	3	3	8	1	2	0	0	2	1	4	1	2	10
2 to 3 Years	4	1	7	2	9	0	0	1	0	2	0	0	14
Over 3 Years	15	15	22	2	4	0	0	3	4	4	7	0	17
Average Number of Days to Impose Discipline	1,237	1,086	1,117	1,287	1,016	N/A	N/A	1,183	1,647	1,059	1,483	1,317	1,203
Formal Actions Filed/Withdrawn/Dismissed													
Statement of Issues Filed	1	0	0	0	0	0	0	0	0	0	0	0	0
Accusations Filed	10	22	21	2	3	0	2	1	1	1	8	1	19
Restraining/Restriction/Suspension Orders Granted	0	1	1	0	0	0	0	0	0	0	1	0	1
Statement of Issues Withdrawn/Dismissed	1	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
Average Number of Days from Closure of Investigation to Imposing Formal Discipline	964	475	587	357	609	0	328	0	386	481	0	497	496
Administrative Outcomes/Final Orders													
License Applications Denied	0	0	0	0	0	0	0	0	0	0	0	0	0
Revocation	7	2	1	0	1	0	0	0	0	1	0	0	2
Surrender of License	10	1	5	1	0	0	1	0	2	0	0	1	5
Probation with Suspension	1	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
Probation Only	8	4	13	0	5	0	0	0	1	2	0	0	8
Public Reprimand/Public Reprimand/Public Letter of Reprimand	0	1	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
Total	26	8	19	1	6	0	1	0	3	3	0	1	15
Probation													
Probations Completed	N/A	21	15	4	4	0	1	0	0	4	1	2	16
Probationers Pending	N/A	59	57	53	52	51	50	51	52	50	51	48	48
Subsequent Discipline													
Probations Revoked	N/A	0	0	0	1	0	0	0	0	0	0	0	1

Probationers License Surrendered	N/A	0	3	0	0	0	0	0	0	0	0	1	0
Additional Probation Only	N/A	1	0	0	0	0	0	0	0	0	0	1	0
Suspension Only Added	N/A	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
Other Probation Outcome	N/A	0	0	0	0	0	0	0	0	0	1	0	1
Petition for Modification or Termination of Probation													
Granted	4	1	3	0	0	0	0	0	0	0	0	0	0
Denied	2	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	0	0	0	0
Denied	1	0	1	0	0	0	0	0	0	0	0	0	0
Cost Recovery													
Ordered	\$119,392	\$135,133	\$334,399	\$0	\$85,823	\$0	\$0	\$0	\$45,072	\$14,525	\$18,915	\$14,321	\$178,656
Collected	\$42,799	\$28,393	\$121,657	\$15,665	\$8,166	\$37,738	\$13,686	\$146,690	\$17,234	\$19,228	\$11,720	\$11,444	\$281,571
Restitution to Consumers/Refunds/Savings													
Restitution Ordered	\$3,880	\$13,251	\$18,683	\$0	\$0	\$0	\$0	\$0	\$0	\$6,328	\$0	\$0	\$6,328
Amount Refunded	\$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
Adjustments>Returns/Exchanges	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Savings Achieved for Consumers	\$3,880	\$13,251	\$18,683	\$0	\$0	\$0	\$0	\$0	\$0	\$6,328	\$0	\$0	\$6,328

FY 23/24 YTD Complaints Received by Violation Type



Pending Cases

