



MEMORANDUM

DATE	July 3, 2024
TO	Veterinary Medical Board (Board)
FROM	<u>Enforcement Managers</u> Patty Rodriguez Robert Stephanopoulos
SUBJECT	Agenda Item 17.C. Enforcement Report

Inspections

The Board ended FY 2023/2024 with 182 inspections conducted. This is a marked improvement compared to 116 conducted during FY 2022/2023.

Dr. Ichih Wu from Folsom is the Board's newest Inspector; she will be inspecting Sacramento County and greater Sacramento Valley area. Dr. Wu received her undergrad degree at Cornell University and her Doctor of Veterinary Medicine degree from the UC Davis School of Veterinary Medicine. She was an associate veterinarian at Monte Vista Small Animal Hospital and Blue Ravine Animal Hospital. Most recently was the owner and Medical Director at Natomas Veterinary Hospital where she improved efficiencies and promoted consistent high-quality medicine through written standards for medical practice. Dr. Wu has also agreed to be a Subject Matter Expert for the Board.

Recruitment efforts continue as the Board seeks to increase the number of inspectors, especially in Southern California and the Fresno area. Staff continues working with the Department's Office of Public Affairs (OPA) to create an informational video for inspector recruitment as well as what to expect during a routine inspection. Due to budgetary concerns, this project has been delayed but we hope to be able to move forward soon. Additionally, as part of the Board's continued outreach efforts, the next Inspection webinar is scheduled for August 20. These webinars have been well received and well attended. The August webinar will feature a presentation by Drug Enforcement Administration (DEA) Diversion Investigators on DEA regulations and recordkeeping requirements for veterinarians.

The Mobile Inspection Application project continues to develop. Board staff and DCA's Office of Information Services continue their work with the vendor, Tyler Tech, to develop the application. User testing is anticipated to start soon, the go-live date is expected to be at the end of September or beginning of October.

Intake

In FY 23/24, the stats show the average number of days to assign a case is slightly above the ten-day target time but is five 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.

It was determined the intake cycle times were based on complaints being closed during the reporting period. It should be noted those complaints and their respective intake times were not done by current intake staff. Management ran reports based on complaints received during FY 23/24 and current intake staff's cycle times are nine days thereby meeting the target time of ten days.

As of the date of this report, there are 21 cases that need to be opened and assigned to an analyst which can be attributed to having only one technician currently handling Intake.

Investigations

Board staff continues to remain focused on reducing the complaint backlog, which has been slightly decreasing during this fiscal year and remaining steady at around 3,500 pending cases. Implemented efficiencies have made it possible to slightly cut into this number each month.

During FY 23/24, the Board received 1,873 new complaints, this is a slight increase from the previous fiscal year (approximately 4 percent). Despite multiple enforcement vacancies and a lack of Subject Matter Experts (Experts), staff closed a record number of investigations (2,029) this fiscal year than the prior fiscal year and over three times as many as FY 20/21.

On May 24, 2024, boards and bureaus were notified by the Budget Office of a Department of Justice's May Revision proposal requesting an increase in their hourly legal service rates by approximately 3.75 percent (see Attachment 17.C.2). The Budget Office has completed an initial estimate of the impact of increased costs to board and bureaus. At this time, they do not believe this increase will result in a need for fee increases but could accelerate the need for fee increases in the future. Staff will monitor this situation closely.

Subject Matter Expert Program

On May 23, 2024, the Board held its Quarterly Expert Round Table for its Subject Matter Experts (Experts). As usual, Board staff went over enforcement statistics related to the Expert program, giving Experts a feel for the current enforcement climate. Staff went on to cover areas of opportunity for Experts, clean up items, and kudos.

During the meeting, a series of hypothetical questions were posed to the Experts by Dr. Pollard. Experts were asked whether the hypothetical scenario was a departure from the standard of care. These questions were a great opportunity for Experts to flex their knowledge and get a sense of their colleagues, increasing their comfort level of reviewing cases, knowing they had support. The next Round Table is scheduled to occur in August.

Probation

The Probation Monitors are actively investigating 49 pending enforcement complaints against 16 probationers. Currently, there is one Petition for Early Termination and two Petitions for Reinstatement pending with the Probation Unit.

Since the last update, five licensees began probation and none have completed their probation, leaving 53 total probationers, 9 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 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
Lane Schloeder (Case No. 4602019000480)	5 – Adopt 1 – Recuse	Adopt
DEFAULT DECISION	VOTE	RESULT
Lisa Waggoner (Case No. 4602021000788)	6 – Adopt	Adopt
PROPOSED DECISION	VOTE	RESULT
Gavyn Makasiar (Case No. 4602018001113)	6 – Adopt	Adopt

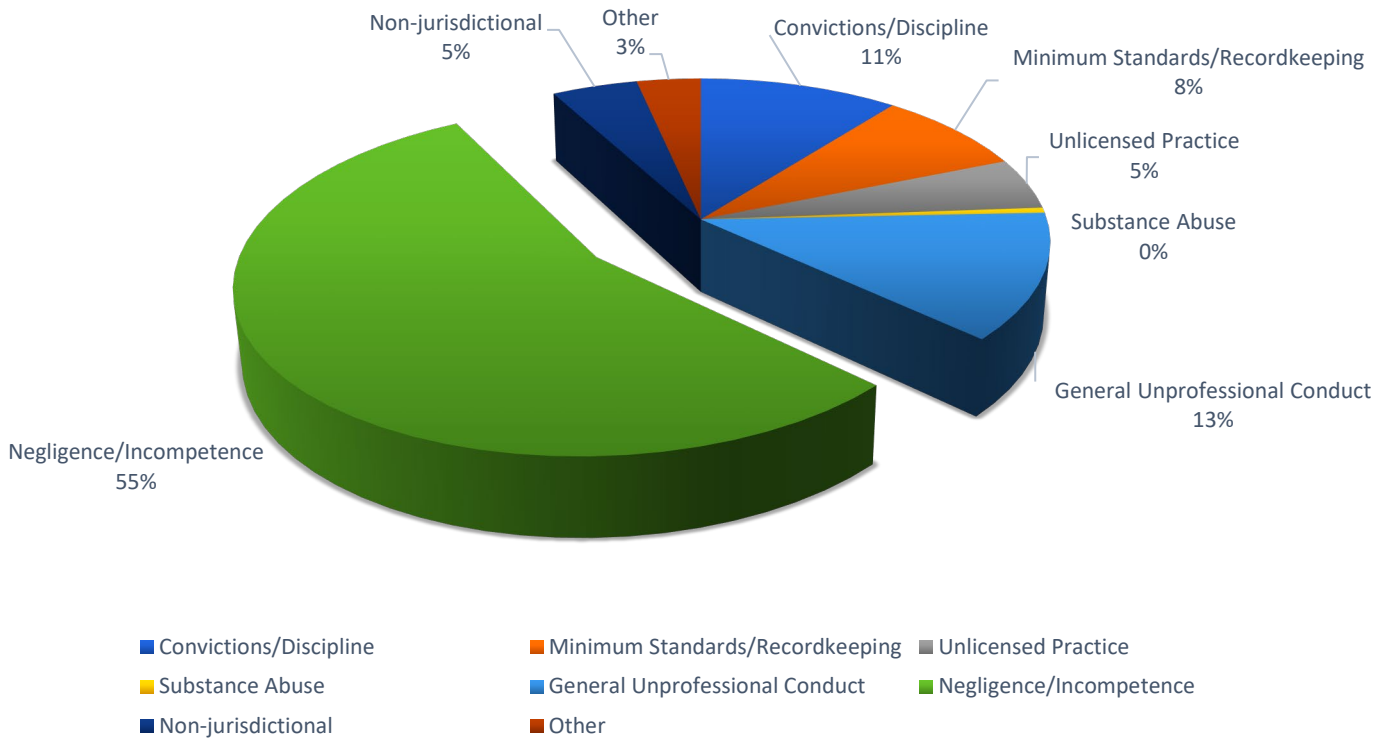
Attachments

1. Enforcement Statistics
2. Budget Office 5/24/24 Memo

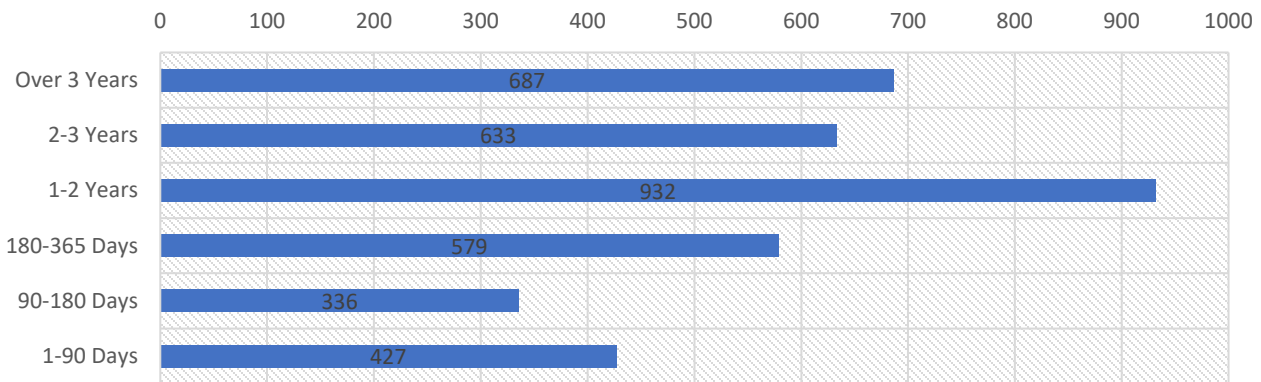
Summary of Enforcement Activity																
Enforcement Activity	20/21	21/22	22/23	23/24												
	YTD	YTD	YTD	July	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	YTD
Consumer Complaints – Intake																
Received	1,499	1,519	1,587	131	149	146	118	124	123	143	123	138	149	145	181	1,670
Closed Without Referral for Investigation	4	77	68	4	8	11	5	12	15	11	6	11	1	9	3	96
Referred for Investigation	1,485	1,448	1,510	119	98	157	147	101	116	133	130	118	132	163	165	1,579
Pending	29	16	18	34	77	56	22	33	24	22	9	19	35	8	21	21
Conviction/Arrest Notification Complaints																
Received	146	186	210	10	20	24	9	13	20	13	17	18	21	24	14	203
Closed Without Referral for Investigation	3	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Referred for Investigation	141	184	207	10	16	28	12	10	19	18	13	17	21	30	14	208
Pending	2	1	0	5	9	5	2	5	6	1	5	0	2	0	0	0
Inspections																
Conducted	50	41	116	13	15	4	3	17	21	25	22	11	21	14	16	182
Citations Issued	0	10	5	2	0	0	1	0	0	0	0	0	0	0	0	3
Investigations																
Open	1,626	1,632	1,717	129	114	185	159	111	135	151	143	135	151	192	178	1,783
Closed	560	1,297	1,976	129	222	208	149	131	140	161	162	182	163	203	179	2,029
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	3,556	3,546	3,557	3,557
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	27	41	51	387
91 to 180 Days	29	65	86	17	7	8	6	5	6	7	8	12	9	15	12	112
181 Days to 1 Year	36	116	170	9	13	11	13	11	15	14	11	13	15	13	15	153
1 to 2 Years	62	145	308	22	23	30	15	10	23	32	33	40	23	23	35	309
2 to 3 Years	22	167	300	15	25	47	42	35	15	30	27	46	41	61	29	413
Over 3 Years	72	530	649	33	131	79	37	50	40	52	52	46	48	50	37	655
Average Number of Days from Receipt of Complaint to Assignment of Investigator (start of investigation)	9	34	17	18	11	12	12	13	18	10	15	10	11	9	7	12
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	801	731	604	771
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	816	739	610	782
Citations and Fines																
Issued without a Fine	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Issued with a Fine	16	48	26	2	3	1	2	1	0	2	0	1	0	4	1	17
Withdrawn/Dismissed/Reduced	0	7	3	0	0	0	0	0	0	0	0	0	0	0	1	1
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	NA	1,039	2,021	1,352
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	\$0	\$18,000	\$5,000	\$82,000
Withdrawn/Dismissed/Reduced	\$0	\$14,500	\$15,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,000	\$4,000
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	\$16,960	\$1,858	\$6,359	\$111,332
Criminal/Civil Actions																
Referrals for Criminal/Civil Action	2	6	1	0	1	1	1	0	0	0	0	0	0	0	0	3
Criminal Actions Filed	0	0	1	0	0	0	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	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	15	6	1	133
Cases Closed	23	23	39	5	19	0	0	6	5	10	8	2	3	3	2	63
Cases Pending	52	89	129	120	119	130	138	143	142	132	160	175	185	179	176	176
Number of Days to Complete AG Cases																
Up to 1 Year	1	4	6	0	4	0	0	0	0	0	0	0	0	0	0	0
1 to 2 Years	3	3	8	1	2	0	0	2	1	4	1	2	0	1	0	11
2 to 3 Years	4	1	7	2	9	0	0	1	0	2	0	0	0	0	0	3
Over 3 Years	15	15	22	2	4	0	0	3	4	4	7	0	3	2	2	25
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	1,950	1,432	1,934	1,273
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	21	2	3	0	2	1	1	1	8	4	2	7	3	34
Restraining/Restriction/Suspension Orders Granted	0	1	1	0	0	0	0	0	0	0	1	0	1	0	0	2
Statement of Issues Withdrawn/Dismissed	1	0	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	0
Average Number of Days from Closure of Investigation to Imposing Formal Discipline	964	475	587	357	609	0	328	0	386	481	0	658	537	448	312	397
Administrative Outcomes/Final Orders																
License Applications Denied	0	0	0	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	0	0	1	3
Surrender of License	10	1	5	1	0	0	1	0	2	0	0	1	1	0	1	7
Probation with Suspension	1	0	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	0
Probation Only	8	4	13	0	5	0	0	0	1	2	0	0	2	3	0	13
Public Reprimand/Public Reprimand/Public Letter of Reprimand	0	1	0	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	0
Total	26	8	19	1	6	0	1	0	3	3	0	1	3	3	2	23

Probation																	
Probations Completed	N/A	21	15	4	4	0	1	0	0	4	1	2	0	0	0	16	
Probationers Pending	N/A	59	57	53	52	51	50	51	52	50	51	48	50	53	53	53	
Subsequent Discipline																	
Probations Revoked	N/A	0	0	0	1	0	0	0	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	0	0	1	
Additional Probation Only	N/A	1	0	0	0	0	0	0	0	0	1	0	0	0	0	1	
Suspension Only Added	N/A	0	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	0	
Other Probation Outcome	N/A	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	
Petition for Modification or Termination of Probation																	
Granted	4	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	
Denied	2	0	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	1	0	0	0	0	0	0	0	0	0	0	0	0	0	
Denied	1	0	1	0	0	0	0	0	0	0	0	0	0	0	1	1	
Cost Recovery																	
Ordered	\$119,392	\$135,133	\$334,399	\$0	\$85,823	\$0	\$0	\$0	\$45,072	\$14,525	\$18,915	\$14,321	\$35,962	\$47,179	\$2,911	\$264,708	
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	\$170,355	\$21,664	\$22,755	\$496,345	
Restitution to Consumers/Refunds/Savings																	
Restitution Ordered	\$3,880	\$13,251	\$18,683	\$0	\$0	\$0	\$0	\$0	\$0	\$6,328	\$0	\$0	\$0	\$0	\$0	\$6,328	
Amount Refunded	\$0	\$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	\$0	
Adjustments>Returns/Exchanges	\$0	\$0	\$0	\$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	\$0	\$0	\$0	\$6,328	

FY 23/24 YTD Complaints Received by Violation Type



Pending Cases





MEMORANDUM

DATE	May 24, 2024
TO	All Board Executive Officers/Executive Directors, Bureau/Division/Program Chiefs, Deputy Directors, Registrars, and Senior Executive Management
FROM	Taylor Schick, Chief Fiscal Officer
SUBJECT	Legal Services Rate Increase

The Department of Consumer Affairs (DCA) was recently notified of a Department of Justice’s (DOJ) May Revision proposal that requests to increase its hourly legal services rates by approximately 3.75 percent, which will increase the rates, as follows:

Services	Current Hourly Rate	Proposed Hourly Rate
Attorney	\$220	\$228
Paralegal	\$205	\$213
Auditor and Research Analyst	\$195	\$202

The Budget Office has completed an initial estimate for the impact to DCA’s overall Attorney General (AG) costs resulting from this proposed rate increase, which comes out to approximately \$1.8 - \$2.0 million. This estimate is derived from either DCA’s 2023-24 or a four-year average of AG utilization. The Budget Office does not believe this increase, in and of itself, will result directly in the need for a fee increase to any of its special funds; however, it does represent an additional cost factor that will contribute to the overall growth in state operating costs and could accelerate the need for fee increases in the future.

DOJ’s May Revision proposal is currently published on the Department of Finance’s website [here](#).

If you have any specific questions on the impact to your specific budget due to the proposed rate increase, please contact your budget analyst.