BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • VETERINARY MEDICAL BOARD
1747 North Market Blvd., Suite 230, Sacramento, CA 95834-2987
P (916) 515-5520 | Toll-Free (866) 229-6849 | www.vmb.ca.gov

MEMORANDUM

DATE	September 12, 2024
TO	Multidisciplinary Advisory Committee (MDC)
FROM	Complaint Process Audit Subcommittee Cheryl Waterhouse, DVM Jeni Goedken, DVM
SUBJECT	**Agenda Item 8. Update from the Complaint Process Audit Subcommittee**

A total of 199 public complaint cases were reviewed by a veterinarian for the Enforcement team in June and July 2024.

Consultant Round Table on August 21, 2024

Background: The Board utilizes Consultant Veterinarians to perform an initial evaluation of a case file to determine whether there exists a potential departure from the standard of care; if this is the case, it is then forwarded to a Subject Matter Expert Veterinarian (Expert or SME) to perform a full written review. This meeting is held to give Board Consultants an opportunity to address any questions/issues discovered during the consultant review process. There are currently 5 Veterinary Board Consultants.

Since the prior meeting, the number of cases pending Consultant review dropped slightly with 710 cases pending review (comprised of 500 respondents). During June and July, Consultant Veterinarians reviewed 138 cases, of which 83 were closed by staff as no violation; 3 were closed with an educational letter, 3 had to be closed due to insufficient evidence, and 49 of those case reviews were determined to need a full Expert review.

Consultant Reviews FY 2023/2024				
	Aug. – Oct.	**Nov. – Feb.**	**Mar. – Apr.**	**June – July**
Reviews	191	270	124	138
No Violation	157	168	87	83
Insufficient Evidence	0	0	3	3
Educational Letter	3	11	6	3
Referred to Expert	31	91	28	49
Pending*	~500	770	813	710

*Represents multiple cases pending against single respondents.

Quarterly Expert Round Table on August 22, 2024

Background: All Subject Matter Expert Veterinarians (SME) are invited to these virtual gatherings to give them a venue to ask questions about the review process as well as field any case-specific scenarios with other Experts. SMEs Veterinarians review complaints and write reports determining if any departures from Standard of Care in the Veterinary Medical Community occurred. There are currently 44 veterinarians contracted with the VMB as Subject Matter Experts (11 of these are Veterinary specialists). There are currently 29 SMEs who actively review cases.

A total of 20 veterinarians (including 5 consultants) were present at the August 2024 Round Table. Similar to the Consultant Veterinarian number during June and July, the number of cases awaiting Expert review dropped slightly, with 1007 waiting for a written SME review (made up of 624 respondents). Subject Matter Expert Veterinarians were able to review 61 cases, of which 14 were closed as “no violation,” 5 were closed with an educational letter, 3 were cited or prepped for citation (2 respondents), and 39 were transmitted to the Attorney General’s Office for disciplinary action (8 respondents).

During the meeting, a variety of topics were covered, including:

- Advising SMEs that updated CVs would be requested
- The responsibility of board staff to determine appropriate action based on violations of the Veterinary Practice Act
- SMEs reaching out to the analyst assigned to a case for clarifying questions and obtaining additional evidence
- Checks and balances in place after a report is submitted when there is a potential for enforcement actions
- Consultants reaching out to Experts directly to discuss report writing opportunities. Dr. Goedken will continue to make her time available to provide one on one feedback on active SME reviews by request of the Board Enforcement staff or Expert Veterinarian request. These informal conversations occur over the phone, and are designed to help the active SME on the report writing process. Dr. Goedken will not be addressing any standard of care content during this peer review.

The Board’s DAG liaison, Neva Tessan was also present to answer questions from a prosecutorial perspective and to help clarify different approaches to case review/write-up. Ms. Tessan conveyed that she would have a presentation on testifying that she will be going over during the next meeting.

The chart below shows the historical numbers of the Expert program over FY 23/24. Please note that the citation, discipline, and pending numbers represent multiple cases submitted against a single respondent.

Expert Reviews FY 2023/2024				
	Aug. – Oct.	**Nov. – Feb.**	**Mar. – Apr.**	**June – July**
Reviews	54	96	48	61
No Violation	5	9	18	14
Insufficient Evidence	0	0	2	0
Educational Letter	23	30	12	5
Citation	6	4	0	3
Discipline	20	53	16	39
Active Experts	29	31	35	29
Pending	1020	895	1021	1007

MDC Subcommittee Case Report Reviews

With Dr. Goedken joining the Subcommittee, several finalized cases were provided to the Subcommittee for review. As previously described, the purpose of these case reviews is to identify praise and opportunities relating to Expert reports associated with these finalized cases. Feedback from the Subcommittee is submitted via survey and is relayed to the involved Expert by staff.

The batch of finalized cases reviewed revealed the following summarized feedback:

- The Expert correctly qualified a departure as extreme, but the respondent did not have to radiograph the paw and perform a follow-up exam
- A few reports from one specific SME were precise, easy to follow, and used some footnotes to clarify definitions to not muddle up the body of the report. The summary of the case and sentence flow made it seem like the Expert was talking to the reader. (Meaning the paragraph style of Summary of Case is much more effective to the reader than the cut and paste bullet point style).
- Recommendation of less reference citation on a particular report, as sometimes it is unnecessary (common veterinary knowledge).
- The discussion doesn't wrap up the standard of care deviations
- Improper use of the word "apparently" in a case summary. The case summary should contain facts, or may language such as "per the medical record" or "per the complainant" if it is an event that one side disputes happened.
- A current report shouldn't include specific legal charges such as "negligence," as it is not the job of the Expert.

Quarterly case reviews will continue provided there are finalized case files to be given to the MDC Subcommittee for review.