



# MEMORANDUM

<b>DATE</b>	October 2, 2024
<b>TO</b>	Veterinary Medical Board (Board)
<b>FROM</b>	<u>Enforcement Managers</u> Patty Rodriguez Robert Stephanopoulos Ashley Sanchez
<b>SUBJECT</b>	<b>Agenda Item 26.C. Enforcement Report</b>

## Inspections

As part of the Board’s continued outreach efforts, an Inspection webinar was held August 20, 2024. The webinar featured a presentation by Drug Enforcement Administration (DEA) Diversion Investigators on DEA regulations and recordkeeping requirements for veterinarians. The webinar was well received and very well attended with just over 500 attendees. The next webinar will again feature DEA diversion staff; they will be presenting on what to expect during a DEA inspection. The webinar is scheduled for November 14.

The Mobile Inspection Application project is nearing completion. Board staff and Department of Consumer Affairs’ Office of Information Services continue their work with the vendor, Tyler Tech. User acceptance testing began in August and is expected to conclude later this month. iPads were procured for each inspector and the go-live date is expected to be mid-November. The application will streamline much of the inspection process, not only for the Inspectors in the field, but also for Board staff.

## Intake

As indicated during the prior Board meeting, at the end of FY 23/24, the cycle time to assign a case to an investigator was 12 days – slightly above the 10-day target. So far in FY 24/25, these cycle times are at 9 days.

As previously mentioned, these cycle times are reflective of investigations that have been completed, meaning these cycle times are from case investigations that are several years old. If we look at the cycle time to assign complaints received in FY 24/25 to an analyst for investigation that are still open, intake is putting up an impressive cycle time of 2 days.

At the end of September, intake only had 4 pending cases to assign, i.e. they are processing all complaints received from the prior day on a daily basis.

## Investigations

Board staff continues to remain focused on reducing the complaint backlog, which continues to decrease slightly every month. At the end of September, the Board had 3,447 cases pending, which is over 100 less than the end of July of 2024. It should be

noted that in the month of July, the Board closed the most cases in its history, with 236 cases closed. The month immediately after, the Board closed nearly 200 cases, putting the Board at a 200 average for monthly closures in FY 24/25. These closures are also notable, as this happened when there were several vacancies along with analysts who are out on leave.

At the end of FY 23/24, the Board received 1,873 new complaints, which was a slight increase from the previous fiscal year (approximately 4 percent). Based upon the number of complaints received so far in FY 24/25, it appears the Board will receive just under 2,000 complaints at the end of the fiscal year.

### **Subject Matter Expert Program**

On August 21, 2024, the Board held a meeting for its Consultants, who initially review standard of care cases to determine whether they can be closed or require a full review by a Subject Matter Expert (Expert). During this meeting, attendees discussed internal processes regarding the review and assignment of these cases and had the Board's DAG liaison, Neva Tessian present for more in-depth violation questions. Consultants were also provided an update regarding the number of cases in queue for review, as well as the outcome of those cases which were reviewed.

On August 22, 2024, the Board held its Quarterly Expert Round Table for its Experts. During this meeting, Board staff covered the number of cases awaiting an Expert review as well as the number of reviews performed and the result of those reviews since the previously meeting.

During the meeting, a variety of topics were discussed, including the discretion of staff to take enforcement action based upon an Expert's findings, as well as the guardrails in place when it comes to making those decisions. Experts were also informed that our consultants would potentially be reaching out to them with feedback on their reports, to ensure that their opinions are clear, concise, and accurate. This is particularly valuable as both the Consultants and Experts are licensees, and when there is a question about the analysis of the standard of care, a staff member is a layperson and will not be able to facilitate a useful discussion.

It was communicated to the attendees that during the next meeting, Neva Tessian would be doing a presentation on the testifying process.

### **Probation**

The Probation Monitors are actively investigating 46 pending enforcement complaints against 13 probationers. Currently, there is one Petition for Early Termination and two Petitions for Reinstatement pending with the Probation Unit.

Since the last update, three licensees began probation and three completed their probation, leaving 51 total probationers, 8 of which are tolled.

### **Disciplinary Action Vote Results**

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

<b>STIPULATED SETTLEMENTS</b>	<b>VOTE</b>	<b>RESULT</b>
Stephanie Schmidt, DVM (Case No. 4602021000377)	7 – Adopt	Adopt
Thomas Bergstrom, DVM (Case No. 4602021000378)	6 – Adopt 1 – Hold for Discussion	Adopt
Samuel Varon, DVM (Case No. 4602020000001)	5 – Adopt 1 – Recuse 1 – Hold for Discussion	Adopt
<b>DEFAULT DECISION</b>	<b>VOTE</b>	<b>RESULT</b>
Danielle Allain, RVT (Case No. 4602023001104)	7 – Adopt	Adopt
Willow Monast, RVT (Case No. 4602024000403)	6 – Adopt 1 – Hold for Discussion	Adopt
Sigrid Wroolie, VACSP (Case No. 4602022001757)	7 – Adopt	Adopt
<b>PROPOSED DECISION</b>	<b>VOTE</b>	<b>RESULT</b>
Shaheen Mallick, DVM (Case No. 4602020000369)	6 – Adopt 1 – Hold for Discussion	Adopt
<b>Request to Vacate</b>	<b>VOTE</b>	<b>RESULT</b>
Willow Monast, RVT (Case No. 4602024000403)	7 – Grant	Granted

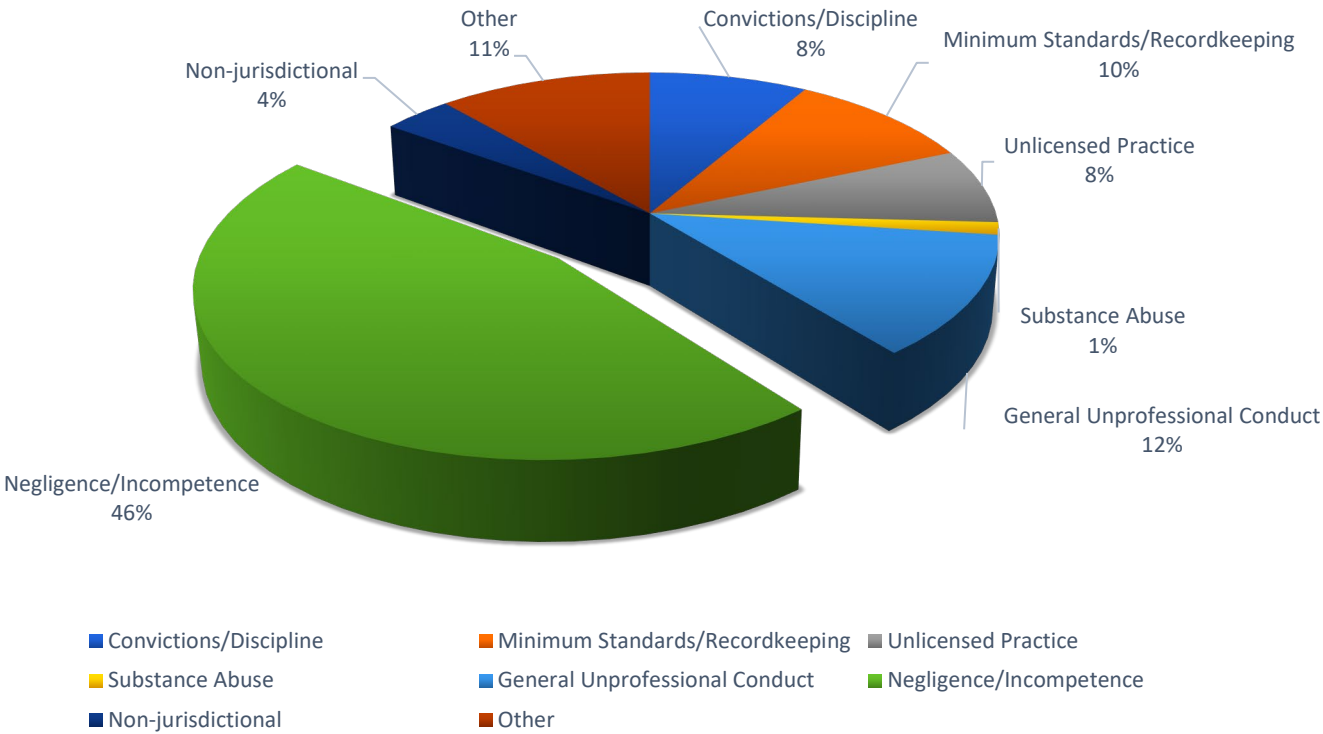
**Attachments**

1. Enforcement Statistics

Summary of Enforcement Activity								
Enforcement Activity	20/21	21/22	22/23	23/24	24/25			
	YTD	YTD	YTD	YTD	July	Aug	Sept.	YTD
<b>Consumer Complaints – Intake</b>								
Received	1,499	1,519	1,587	1,670	151	141	130	422
Closed Without Referral for Investigation	4	77	68	96	4	9	8	21
Referred for Investigation	1,485	1,448	1,510	1,579	159	133	122	414
Pending	29	16	18	21	5	4	4	4
<b>Conviction/Arrest Notification Complaints</b>								
Received	146	186	210	203	12	28	21	61
Closed Without Referral for Investigation	3	3	3	0	0	0	0	0
Referred for Investigation	141	184	207	208	12	27	22	61
Pending	2	1	0	0	0	1	0	0
<b>Inspections</b>								
Conducted	50	41	116	182	31	22	15	68
Citations Issued	0	10	5	3	0	1	0	1
<b>Investigations</b>								
Open	1,626	1,632	1,717	1,783	171	160	144	475
Closed	560	1,297	1,976	2,029	236	196	170	602
Pending	3,545	3,885	3,716	3,557	3503	3473	3447	3447
<b>Cases Closed within Timeframe to Complete Intake and Investigations</b>								
Up to 90 Days	339	274	463	387	61	52	40	153
91 to 180 Days	29	65	86	112	13	10	11	34
181 Days to 1 Year	36	116	170	153	14	15	23	52
1 to 2 Years	62	145	308	309	54	41	27	122
2 to 3 Years	22	167	300	413	43	32	23	98
Over 3 Years	72	530	649	655	51	46	46	143
Average Number of Days from Receipt of Complaint to Assignment of Investigator (start of investigation)	9	34	17	12	8	7	9	9
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	771	643	630	667	646
Average Number of Days from Receipt of Complaint to Referral for Prosecution or Case Closure Without Referral for Prosecution	309	796	717	782	650	635	680	653
<b>Citations and Fines</b>								
Issued without a Fine	0	0	0	1	0	0	0	0
Issued with a Fine	16	48	26	17	1	2	6	9
Withdrawn/Dismissed/Reduced	0	7	3	1	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	1,352	1821	1978	1419	1588
<b>Total Amount of Fines</b>								
Assessed	\$45,504	\$198,250	\$111,000	\$106,178	\$10,000	\$13,000	\$42,000	\$65,000
Withdrawn/Dismissed/Reduced	\$0	\$14,500	\$15,000	\$4,000	\$0	\$0	\$0	\$0
Collected	\$35,864	\$132,532	\$102,400	\$111,457	\$6,752	\$10,376	\$776	\$17,904
<b>Criminal/Civil Actions</b>								
Referrals for Criminal/Civil Action	2	6	1	3	0	0	0	0
Criminal Actions Filed	0	0	1	0	0	0	0	0
Civil Actions Filed	0	0	0	0	0	0	0	0
<b>Office of the Attorney General/Disciplinary Actions</b>								
Cases Opened/Initiated	40	77	91	133	27	12	4	43
Cases Closed	23	23	39	63	5	8	2	15
Cases Pending	52	89	129	176	179	184	185	185

<b>Number of Days to Complete AG Cases</b>								
Up to 1 Year	1	4	6	0	0	1	1	2
1 to 2 Years	3	3	8	11	2	3	0	5
2 to 3 Years	4	1	7	3	0	0	0	0
Over 3 Years	15	15	22	25	3	4	1	8
Average Number of Days to Impose Discipline	1,237	1,086	1,117	1,273	982	1339	866	1157
<b>Formal Actions Filed/Withdrawn/Dismissed</b>								
Statement of Issues Filed	1	0	0	0	0	0	0	0
Accusations Filed	10	22	21	34	5	0	3	8
Restraining/Restriction/Suspension Orders Granted	0	1	1	2	0	0	0	0
Statement of Issues Withdrawn/Dismissed	1	0	0	0	0	0	0	0
Accusations Withdrawn/Dismissed	2	2	0	0	0	0	0	0
Average Number of Days from Closure of Investigation to Imposing Formal Discipline	964	475	587	397	270	489	192	358
<b>Administrative Outcomes/Final Orders</b>								
License Applications Denied	0	0	0	0	0	0	0	0
Revocation	7	2	1	3	1	1	1	3
Surrender of License	10	1	5	7	1	1	0	2
Probation with Suspension	1	0	0	0	0	0	0	0
Suspension Only	0	0	0	0	0	0	0	0
Probation Only	8	4	13	13	0	3	1	4
Public Reprimand/Public Reproval/Public Letter of Reprimand	0	1	0	0	0	0	0	0
Other Decisions	0	0	0	0	0	0	0	0
Total	26	8	19	23	2	5	2	9
<b>Probation</b>								
Probations Completed	N/A	21	15	16	2	1	1	4
Probationers Pending	N/A	59	57	52	50	52	51	51
<b>Subsequent Discipline</b>								
Probations Revoked	N/A	0	0	1	0	0	0	0
Probationers License Surrendered	N/A	0	3	1	0	0	0	0
Additional Probation Only	N/A	1	0	1	0	1	0	1
Suspension Only Added	N/A	0	0	0	0	0	0	0
Other Conditions Added Only	N/A	0	0	0	0	0	0	0
Other Probation Outcome	N/A	0	0	1	0	0	0	0
<b>Petition for Modification or Termination of Probation</b>								
Granted	4	1	3	0	2	0	0	2
Denied	2	0	0	0	0	0	0	0
<b>Petition for Reinstatement of Revoked License/Registration/Certification</b>								
Granted	2	0	1	0	0	0	0	0
Denied	1	0	1	1	0	0	0	0
<b>Cost Recovery</b>								
Ordered	\$84,250	\$106,625	\$304,855	\$223,208	\$62,093	\$39,704	\$0	\$101,797
Collected	\$66,769	\$29,193	\$100,876	\$340,969	\$72,865	\$24,131	\$31,126	\$128,122
<b>Restitution to Consumers/Refunds/Savings</b>								
Restitution Ordered	\$3,880	\$13,251	\$18,683	\$6,328	\$0	\$2,111	\$0	\$2,111
Amount Refunded	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Rework at no Charge	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Adjustments>Returns/Exchanges	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Savings Achieved for Consumers	\$3,880	\$13,251	\$18,683	\$6,328	\$0	\$2,111	\$0	\$2,111

### FY 24/25 YTD Complaints Received by Violation Type



### Pending Cases

