



MEMORANDUM

DATE	December 16, 2024
TO	Multidisciplinary Advisory Committee (MDC)
FROM	<u>Complaint Process Audit Subcommittee (Subcommittee)</u> Cheryl Waterhouse, DVM Jeni Goedken, DVM
SUBJECT	Agenda Item 8. Update from the Complaint Process Audit Subcommittee

A total of 272 public complaint cases were reviewed by a veterinarian for the Enforcement team in August through October 2024.

Consultant Round Table on November 20, 2024

Background: The Veterinary Medical Board (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.

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

- Proceeding with cases if an initial Expert can no longer be involved
- Timeliness of reports
- Artificial Intelligence and telemedicine
- Cases based upon third-party social media posts

Since the prior meeting, the number of cases pending Consultant review rose a bit, with 813 cases pending review (comprised of 621 respondents). During August through October, Consultant Veterinarians reviewed 180 cases, of which 98 were closed by staff as no violation; 4 were closed with an educational letter, 7 had to be closed due to insufficient evidence, and 71 of those case reviews were determined to need a full Expert review.

Consultant Reviews 2023/2024					
	Aug. – Oct.	Nov. – Feb.	Mar. – Apr.	June – July	Aug.-Oct
Reviews	191	270	124	138	180

No Violation	157	168	87	83	98
Insufficient Evidence	0	0	3	3	7
Educational Letter	3	11	6	3	4
Referred to Expert	31	91	28	49	71
Pending*	~500	770	813	710	813

*Represents multiple cases pending against single respondents.

Quarterly Expert Round Table on November 21, 2024

Background: All SMEs 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 45 veterinarians contracted with the Board as SMEs (13 of these are Veterinary specialists). There are currently 25 SMEs who actively review cases.

A total of 19 veterinarians (including 4 consultants) were present at the November 2024 Round Table. The number of cases awaiting Expert review as reported during the meeting was 759 waiting for a written SME review (made up of 506 respondents). SMEs reviewed 92 cases, of which 32 were closed as “no violation,” 18 were closed with an educational letter, 19 were cited or prepped for citation (14 respondents), and 23 were transmitted to the Attorney General’s Office for disciplinary action (9 respondents).

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

- Avoiding opining that the “gold standard” is the “standard of care”
- Requesting readable radiographs for a proper review
- Providing reports to staff timely
- Discovery reminders
- Reiterating that a Veterinarian-Client-Patient Relationship is not necessary when there isn’t an owner
- Size of reports
- Reviewing submitted allegations along with the records
- Dealing with multiple pets in a complaint

The Board’s Deputy Attorney General liaison, Neva Tissan also did a presentation covering information leading up to a hearing as well as some key components of testifying.

The chart below shows the historical numbers of the Expert program over 2023/2024. Please note that the citation, discipline, and pending numbers represent multiple cases submitted against a single respondent.

Expert Reviews 2023/2024					
	Aug. – Oct.	Nov. – Feb.	Mar. – Apr.	June – July	Aug. – Oct.
Reviews	54	96	48	61	92
No Violation	5	9	18	14	32
Insufficient Evidence	0	0	2	0	0
Educational Letter	23	30	12	5	18
Citation*	6	4	0	3	19
Discipline*	20	53	16	39	23
Active Experts	29	31	35	29	25
Pending*	1020	895	1021	1007	759

*Represents multiple cases against single respondents.

Subcommittee Case Report Reviews

The Subcommittee reviewed several finalized cases to identify praise and opportunities relating to Expert written reports associated with these finalized cases. Feedback from the Subcommittee is submitted via survey and is relayed to the involved Expert by staff.

The Subcommittee identified the following topics to discuss with Experts:

- Appropriateness of a drug to treat a specific condition
- Verbiage used in a surgical report
- Understood standard of care under anesthesia
- Gold standard opinions
- Date of document review
- Grammatical suggestions
- Use of legal terms
- Level of detail in reports
- Persuasive language
- Determination of departures from the standard of care
- Analysis present in conclusion
- Listing all materials reviewed
- Determination of lack of knowledge

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

Subcommittee Meeting

The Subcommittee met on December 9, 2024, to discuss updating the complaint form to better triage submitted complaints, which ties directly into the Board's strategic plan

objective (4.6) of revising the complaint prioritization statute to increase effectiveness updating the complaint form to better triage submitted complaints.

Currently the Board is statutorily mandated to prioritize complaints pursuant to Business and Professions Code 4875.1; however, since complaints are very subjective and tend to express that the subject is an extreme threat to consumers and their pets, the majority of submitted complaints are categorized as priority one.

After a lengthy discussion into the potential options, the Subcommittee determined that a statutory change may be necessary to better prioritize complaints. Part of this statutory change would include replacing the usage of “veterinarians and registered veterinary technicians” with “individuals,” to apply to unlicensed individuals.

In addition, to make prioritization more objective, one suggestion was striking the subject language in 4875.1(a)(1), which reads “such that the veterinarian or registered veterinary technician represents a danger to the public.”

The Subcommittee also made some suggestions to the complaint form to add:

- a dropdown for main license types
- telehealth to location section
- description to the “telehealth/other” location section
- yes/no to location selections

Further, the Subcommittee discussed and made suggestions to better triage allegations utilizing the Consultant review process. The logistics will be discussed during a Consultant meeting scheduled for January 6, 2025; however, the goal of this process will be to retroactively update complaint priorities based on Consultant input.

Action Requested by MDC:

Discuss the Subcommittee’s potential changes to BPC 4875.1 to replace “veterinarians and registered veterinary technicians” with “individuals”, as well as striking “such that the veterinarian or registered veterinary technician represents a danger to the public” from subsection (a)(1) and potentially make recommendations to the Board.