

# OMBC Enforcement Report

January 20, 2022

The following OMBC Enforcement Report covers the calendar year 2021. The OMBC Enforcement Report is divided into five sections: Intake, Investigations, Enforcement, Performance Measures, and Probation. The data is collected from the DCA Enforcement Reports and ad hoc reports created in IBM Cognos Analytics and Microsoft Excel.

## COMPLAINT INTAKE

	1Q 2021			2Q 2021			3Q 2021			4Q 2021			Totals
TOTAL INTAKE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
Received	49	44	67	54	51	50	57	65	55	37	55	40	624
Assigned/Closed	72	22	45	73	28	30	107	82	60	53	44	54	670
Aging	41	23	20	34	25	29	53	20	10	9	9	10	24
Pending	30	52	74	55	78	98	48	30	25	9	20	6	

Data Table 1: Complaint Intake with Convictions/Arrests

In Data Table 1 above, under TOTAL INTAKE, OMBC received 624 complaints (20 convictions/arrests). 670 complaints were either assigned or closed and the average aging for this period was 24 days. (The aging for intake measures the period from the date the complaint was received to the date the complaint was assigned). In Figure 1.1 below we see pending complaints drop significantly starting in July which corresponds indirectly with the increase of case assignments. Pending cases continued to remain low.

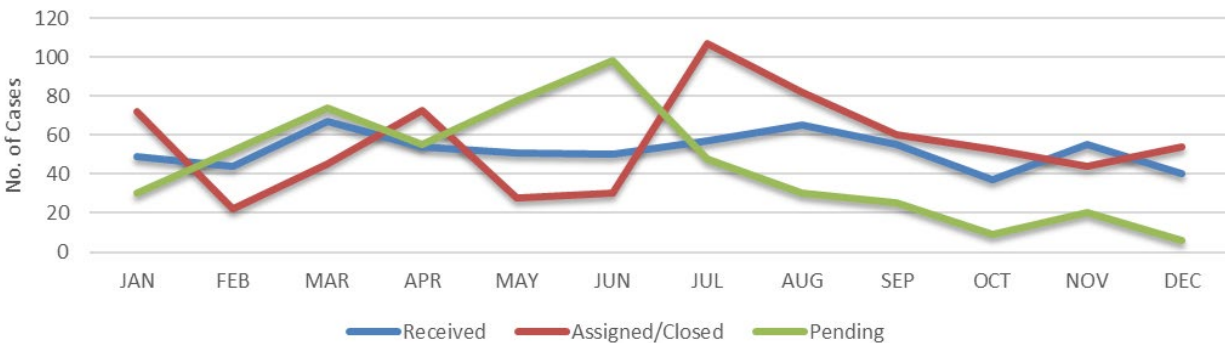


Figure 1.1: Intake Totals Per Month

## INVESTIGATIONS

### Desk (internal) Investigations

	1Q 2021			2Q 2021			3Q 2021			4Q 2021			Totals
Desk Inv.	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
Assigned	72	22	45	73	28	30	107	82	60	53	44	54	670
Completed	55	38	51	41	32	36	28	82	76	81	54	55	629
Aging	91	222	134	202	123	89	126	103	128	113	165	131	136
Pending	294	278	273	305	301	295	374	375	361	335	332	336	336

Data Table 2: Desk Investigations

For all desk investigations during this period, Data Table 2 above breaks down the monthly totals for how many complaints were assigned and completed; the monthly aging and cases pending. During this period, a total of 670 cases were assigned to desk investigations and 629 cases were completed. The average number of days to complete a desk investigation was 136 days. In Figure 2.1 on the following page, the assigned and completed caseloads averaged around 50 per month except for the month. Pending desk investigations averaged around 300 during the first six months and then increased to an average of 350 to the end of the year.

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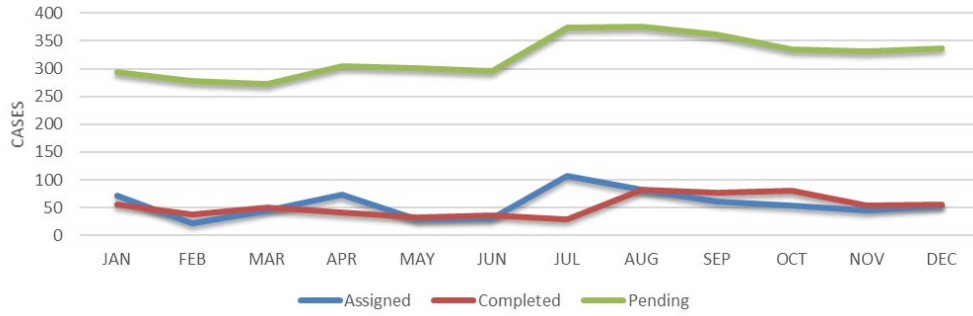


Figure 2.1: Desk Investigations Monthly Totals

## Division of Investigation (DOI): Field Investigations

Field Inv.	1Q 2021			2Q 2021			3Q 2021			4Q 2021			Totals
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
Assigned	5	4	3	8	1	3	3	2	1	5	2	6	43
Completed	4	2	4	4	2	4	2	2	1	4	0	6	35
Aging	871	665	565	511	773	481	1,032	384	577	947	0	382	653
Pending	55	57	56	60	59	59	60	60	60	61	63	63	63

Data Table 3: Field Investigations

Data Table 3 above breaks down the monthly totals for cases assigned to the Division of Investigations. Completed cases are either closed with insufficient evidence or referred to the Attorney General’s office for disciplinary action. During this 12-month period, 43 cases were assigned to field investigations; 35 were completed; and 63 cases were pending at the end of 4Q 2021. The aging to complete a sworn investigation during this period was 653 days.

The case complexity is the grouping of the complaint allegations. In Figure 3.1, for all 35 completed field investigations, there were 9 excessive prescribing cases (25%); 2 unprofessional conduct (6%); 6 sexual misconduct cases (17%); 4 criminal cases (11%); 3 fraud cases (8%); 5 negligent cases (14%); 3 substance abuse cases (8%); and 4 unlicensed practice (11%).

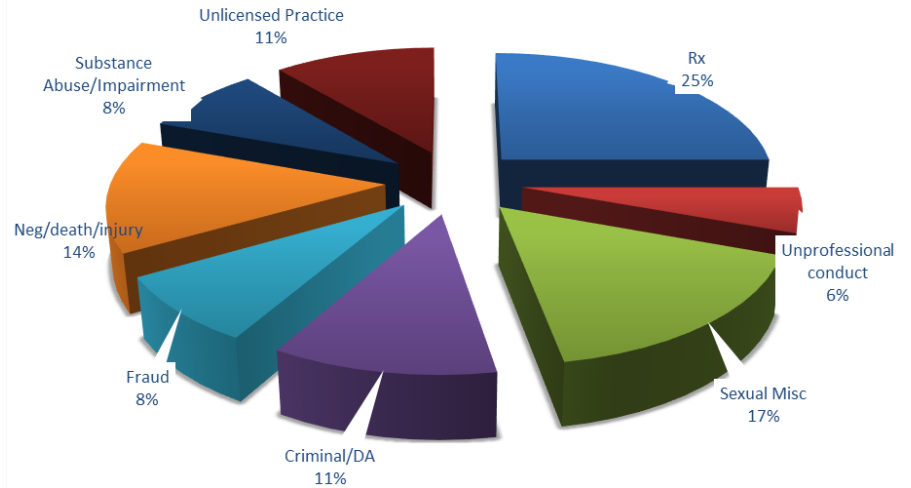


Figure 3.1 Complexity for completed Field Investigations

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## Aging for All Investigations

All Inv Aging	1Q 2021			2Q 2021			3Q 2021			4Q 2021			Totals
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
90 days	27	5	23	6	15	16	11	40	38	37	15	25	258
91-180 days	16	7	17	10	2	16	5	24	7	20	13	8	145
181-1 yr	8	15	6	14	5	5	5	15	7	17	7	11	115
1 yr-2 yrs	1	5	1	7	3	3	1	3	3	7	5	4	43
2 yrs-3 yrs	3	2	2	3	2	2	2	1	1	5		2	25
<b>Totals</b>	<b>55</b>	<b>34</b>	<b>49</b>	<b>40</b>	<b>27</b>	<b>42</b>	<b>24</b>	<b>83</b>	<b>56</b>	<b>86</b>	<b>40</b>	<b>50</b>	<b>586</b>

Data Table 4: All Investigations Aging

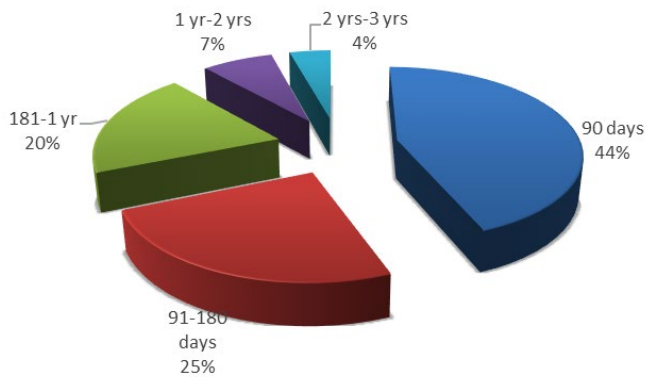


Figure 4.1: All Investigation Aging

In Data Table 4 and Figure 4.1 we see the aging matrix for the number of all investigations that were closed per month during this period. 258 cases (44%) were completed within 90 days; 145 cases (25%) were completed between 91-180 days; 115 cases (20%) were completed between 181-365 days; 43 cases (7%) were completed between 1 – 2 years; and 25 cases (4%) were completed between 2-3 years. 403 (89%) investigations were completed within 6 months; and 518 (88%) were completed within a year.

## ENFORCEMENT ACTIONS

	1Q 2021			2Q 2021			3Q 2021			4Q 2021			Totals
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
AG Cases Initiated	1	3	2	1	2	4	3	2	3	3	2	0	26
Acc/SOI Filed	0	1	1	0	1	2	2	0	2	1	3	1	14
Final Disciplinary Order	1	1	1	0	0	1	1	3	1	0	1	0	10
Acc W/drawn/declined	0	0	0	0	0	2	0	0	1	0	1	1	5
Closed w/out Disc Acti	1	0	0	0	2	1	0	0	0	0	0	0	4
Citations	0	0	0	0	0	0	0	0	0	0	0	0	0
ISO/PC23	0	0	1	0	0	0	0	0	1	0	1	0	3
<b>AG Cases Pending</b>	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>25</b>	<b>26</b>	<b>25</b>	<b>27</b>	<b>30</b>	<b>29</b>	<b>29</b>	

Data Table 5: Enforcement Actions

For all enforcement actions, Data Table 5 above breaks down the monthly totals for each disciplinary action. During this 12-month period, 26 cases were transmitted to the Attorney General’s Office for disciplinary actions; 14 Accusations/SOI were filed; 10 Final Disciplinary Orders were filed; 5 accusation withdrawn; 4 cases were closed without disciplinary action; 0 citations issued; and 3 ISO/PC23 Court Ordered suspension/restrictions were filed. 29 AG cases were pending at the end of 4Q 2021.

# OMBC Enforcement Report

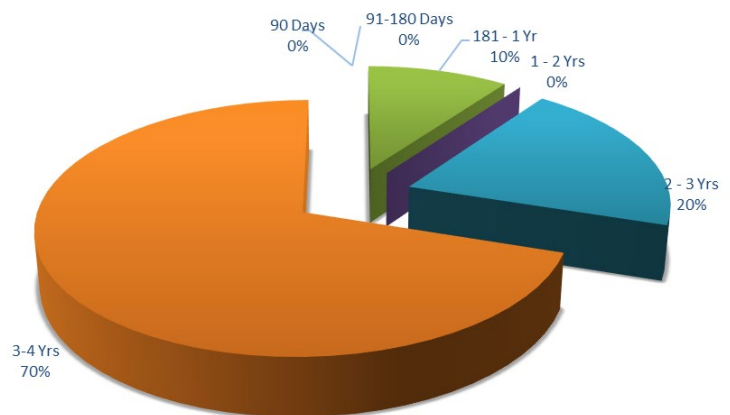
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## Aging for Final Disciplinary Orders

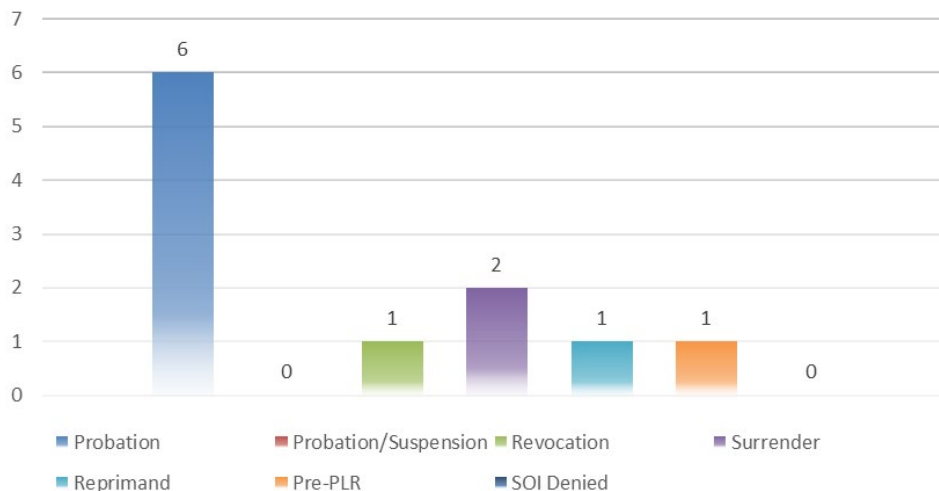
Total Orders Aging	1Q 2021			2Q 2021			3Q 2021			4Q 2021			Totals
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
90 Days	0	0	0	0	0	0	0	0	0	0	0	0	0
91-180 Days	0	0	0	0	0	0	0	0	0	0	0	0	0
181 - 1 Yr	0	0	0	0	0	0	0	0	0	0	1	0	1
1 - 2 Yrs	0	0	0	0	0	0	0	0	0	0	0	0	0
2 - 3 Yrs	0	0	0	0	0	0	0	0	2	0	0	0	2
3-4 Yrs	1	1	1	0	0	1	1	1	1	1	0	0	7
4 yrs	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Totals</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>10</b>

**Data Table 6: Final Orders Aging Matrix**

In Data Table 6 and Figure 6.1 we see the aging matrix of the 13 Final Disciplinary Orders that were completed during this 12-month period. The chart displays the percentage of cases distributed within each aging period: 0 case completed within 90 days and 91-181 days; 1 case completed (10%) within 181-365 days; 0 cases within 1-2 years; 2 case (20%) within 2-3 years; 7 cases (70%) within 3-4 years; and 0 cases after 4 years. Of the 10 Disciplinary Orders imposed (Figure 6.2 below), there were 6 probationary orders; 1 revocation; 2 surrender; 1 reprimand; 1 Pre-accusation public reprimand was also filed.



**Figure 6.1: Final Orders Aging**



**Figure 6.2: Final Disciplinary Actions Imposed**

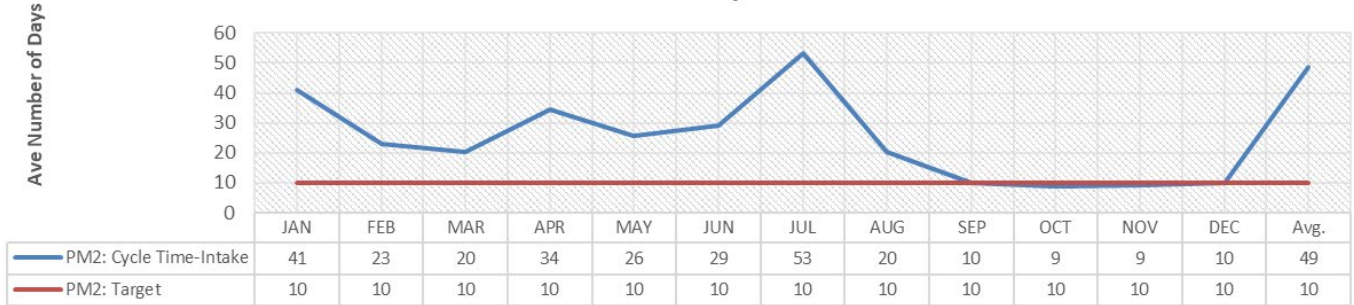
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## PERFORMANCE MEASURES

PM2: CYCLE TIME-INTAKE: Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

**Performance Measures 2: Cycle Time - Intake**



PM3: CYCLE TIME – INTAKE & INVESTIGATION: Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General. (Includes intake and Investigation)

**Performance Measures 3: Cycle Time - Investigations (No Discipline)**



PM4: CYCLE TIME – FORMAL DISCIPLINE: Average number of days to complete the entire enforcement process for cases transmitted to the Attorney General for formal discipline. (Includes intake, investigation, and transmittal outcome)

**Performance Measures 4: Cycle Time - Formal Discipline**



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## PROBATION

As of 01/10/2022, There are 38 probation cases and 1 compliance monitoring case; of which 11 cases are tolled. During CY 2021, 7 probationary cases were closed and 10 cases were opened. The total cost recovery ordered to date is \$596,755.06. \$282,145.49 has been paid, leaving a balance of \$314,609.57.

