



Briefing Paper

Agenda Item 12

Date: February 13, 2025
Prepared for: OMBC Members
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Subject: Enforcement Program Updates

Purpose: Update on Enforcement Program
Attachments: [12 \(a\) Enforcement and Probation Performance Measures Q1 and Q2, FY 2024-2025](#)

Background:

This is a report on the updates involving the Board's Enforcement Unit for the second quarter of FY 2024-2025.

Please also refer to attachment 12(a), which encompasses the Enforcement Program statistics.

Analysis:

In effort to provide more expeditious investigations, the enforcement unit once again revised their consumer complaint form. This time editions were made to the medical releases. The following was added to the authorization languageto "release, disclose, and discuss information pursuant to the authorization language and signature at the bottom of the releases. In addition, the Board has included that these releases include the Department of Consumer Affairs Division and Investigation (DOI) which is the state law enforcement agency that conducts investigations on behalf of the Board. By adding DOI to our releases we are reducing processing times for the division, as they could now pursue with requesting additional records or scheduling interviews without having to obtain new releases for their division. This information has been shared with the DOI's deputy chiefs.

The Enforcement Unit is working on a FNP Delinquent License Project. A report has been run, identifying all expired FNP licenses. 581 delinquent FNP licenses were reported, with expiration dates of December 31, 2024. The list was split upon enforcement staff. Enforcement staff have been making contact with the license holder, informing them of the delinquent status, and letting them know to renew the FNP license,

or respond with a request to cancel the FNP license. Staff is also informing the license holder that if the license is not renewed, the business may be in violation of operating with a delinquent license.

As reported at the last meeting, staff began conducting interviews for quality-of-care complaints where gross negligence and or incompetency allegations are noted. During Q2, thirteen (13) interviews were offered, two (2) were completed, one (1) was declined, and for the remaining ten (10), the Board received no response to the attempted interview.

The purging project is still in progress. Closed cases continue to be purged based on the retention schedule, and room/storage in the confidential shred bin. Disks and CD drives are purged separately from paper files. Files in the file room are now filed in case number order, which will allow for more convenient access in pulling files for purging in the future.

Board Program Statistics:

For statistics, please refer to attachment 12(a) which covers the Enforcement Program's Q1 and Q2 statistics for fiscal year 2024-2025 in comparison to Q1 and Q2 of last fiscal year 2023-2024.

Performance Measure 1 (PM1): covers the amount of consumer complaints, arrests, and convictions received. The unit has received 499 complaints, and 16 arrest/conviction notices. There is a significant increase of 24% in complaints and a 14% in arrest and convictions this fiscal year in comparison to last year. The only explanation to the increase in complaints can be attributed to the fact that enforcement is now initiating enforcement complaints on applications with prior arrest histories in addition to more Board awareness that the Board is receiving through its outreach efforts.

Performance Measure 2 (PM2): is the average number of days it takes for our analysts to initiate our enforcement complaints and acknowledge receipt. The target for this performance measure is ten (10) days and we are at 5 days year to date, well under our mandate.

Performance Measure 3 (PM3): is the average number of days it takes to complete investigations and enforcement action for cases that are not referred to the Attorney General's Office for formal discipline. Case aging here fluctuates greatly because it takes an average of all cases, and one or two very complicated cases can skew these numbers drastically. These numbers include the timeline for desk and DOI's Health Quality Investigation Unit (HQIU) investigations. The target for PM3 is 360 days. Our average for Q1 and Q2 is at 185 days which is a 14% decrease in comparison to last fiscal year. It is also worth noting that in addition to this decrease the Board is also completing a lot more investigations in comparison to last year. The Board's volume YTD is at 468 cases in comparison to 361 last year which equals to a 30% increase in investigations.

Performance Measure 4 (PM4): is the average number of days it takes to complete investigations and enforcement actions that are transmitted to the Attorney General's Office for formal disciplinary action. Case aging in this category is at 1027 days. The

target for PM4 is 540, and although we do not continue to meet the target in this category, YTD this fiscal year it did go down a 22% in comparison to last fiscal year. Currently there are 18 matters pending at the Attorney Generals Office.

For FY 2024-2025, the Board continues to be well under its performance measure targets for three (3) of its performance measures. As previously reported PM4 is the measure that unfortunately the Board has less control over as this measure takes into consideration the timeline from the Attorney General's Office, respondent's legal representatives, and the Office of Administrative Hearings.

The Board currently has 580 pending enforcement cases (split between the five enforcement analysts), 91 cases are pending at HQIU, and 18 at the Attorney General's Office. These numbers have risen since the last Board meeting; however, staff continue to work all enforcement cases in an expeditious manner.

YTD the Board has filed three (3) Interim suspension orders, four (4) Accusations, issued one (1) administrative citation, placed five (5) licensees on probation, had one (1) licensee surrendered their license, and one (1) license was revoked. As expected discipline and administrative actions are decreasing this fiscal year and this is due to the fact that the backlog is coming to an end, and we are now addressing incoming complaints. We do expect this number to continue to remain steady and we are seeing an increase in overall complaints received.

Action Requested: No Action Required

Enforcement Statistics Report

Complaints

	FY 23/24	Fiscal Year 24/25					Year → Year Change	
	YTD	Q1	Q2	Q3	Q4	YTD		
PM1: Complaints Received	401	242	257			499	↑	24%
PM1: Convictions/Arrest Received	14	7	9			16	↑	14%
PM1: Total Received	415	249	266	0	0	515	↑	24%

Complaint Intake

Target: 10 Days	FY 23/24	Fiscal Year 24/25					Year → Year Change	
	YTD	Q1	Q2	Q3	Q4	YTD		
PM2: Intake/Avg. Days	4	5	4			5	↑	13%

Investigations

Target: 360 Days	FY 23/24	Fiscal Year 24/25					Year → Year Change	
	YTD	Q1	Q2	Q3	Q4	YTD		
PM3: Volume	361	212	256			468	↑	30%
PM3a: Intake Only	5	3	10			7	↑	30%
PM3b: Investigation Only	205	159	187			173	↓	-16%
PM3c: Post Investigation Only	4	3	7			5	↑	25%
PM3: Cycle Time-Investigation	215	165	204			185	↓	-14%
***Pending Cases at HQUIU		x	x			91		

Transmittals to Attorney General (AG)

Target: 540 Days	FY 23/24	Fiscal Year 24/25					Year → Year Change	
	YTD	Q1	Q2	Q3	Q4	YTD		
PM4: Volume	17	5	3			8	↓	-53%
PM4a: Intake Only	29	9	7			8	↓	-72%
PM4b: Investigation Only	844	601	429			515	↓	-39%
PM4c: Pre-AG Transmittal	40	13	1			7	↓	-83%
PM4d: Post-AG Transmittal	402	371	624			498	↑	24%
PM4: Cycle Time-AG	1316	993	1060			1027	↓	-22%
***Pending Cases at AGO		x	x			18		

Osteopathic Medical Board of CA
 12 (a) Attachment
 Enforcement Performance Measures Q2

Actions	FY 23/24	Fiscal Year 24/25				YTD	Year → Year Change	
	YTD	Q1	Q2	Q3	Q4			
PC 23 Ordered	0	0	0			0	⇒	0%
ISO-Interim Suspension Order	0	0	3			3	↑	300%
ASO-Automatic Suspension Order	0	0	0			0	↑	100%
Accusations/Amended Accusations Filed	8	1	3			4	↓	-50%
Accusation and Petition to Revoke	1	0	0			0	↓	-100%
Citations	3	1	0			1	↓	-67%
PR/PLR	8	0	0			0	↓	-100%
Probation	7	2	3			5	↓	-29%
Surrender	1	0	1			1	⇒	0%
Revocation	1	0	1			1	⇒	0%

PM1: Complaint Intake- Complaints and Convictions Received

PM2: Cycle Time - Intake - Average number of days from the date the complaint was received to the date the complaint was closed or assigned for investigation (assigned to staff).

PM3: Cycle Time - Investigations - Average number of days to complete the entire enforcement process for complaints not transmitted to the AG for formal discipline. (includes intake and investigation days)

PM3a: Intake Only - Of the cases included in PM3, the average number of days from the date the complaint was received to the date the complaint was assigned for investigation.

PM3b: Investigation Only - Of the cases included in PM3, the average number of days from the date the complaint was assigned for investigation to the date the investigation was completed. (without intake)

PM3c: Post Investigation Only - Of the cases included in PM3, the average number of days from the date the investigation was completed to the date of the case outcome or non-AG formal discipline effective date.

PM4: Cycle Time-AG Transmittal - Average number of days to complete the enforcement process for cases investigated and transmitted to the AG for formal discipline. (includes intake & investigation to final outcome of cases transmitted to the AG - includes withdraws, dismissals, etc.)

PM4a: AG Transmittal - Intake Only - Of the cases included in PM4, the average number of days from the date the complaint was received to the date the complaint was assigned for investigation.

PM4b: AG Transmittal - Investigation Only - Of the cases in PM4, the average number of days from the date the complaint was assigned for investigation to the date the investigation was completed.

PM4c: AG Transmittal - Pre AG Transmittal - Of the cases in PM4, the average number of days from the date the investigation was completed to the date the case was transmitted to the AG.

PM4d: AG Transmittal - Post AG Transmittal - Of the cases in PM4, the average number of days from the date the case is transmitted to the AG to the date of the case outcome or formal discipline effective date. (AG days only)

(6 FY) Historical Consumer Complaints/Arrest and Conviction Data

Fiscal Year	
2019-2020	613
2020-2021	596
2021-2022	650
2022-2023	669
2023-2024	889
2024-2025	*619 (1/31/2025)