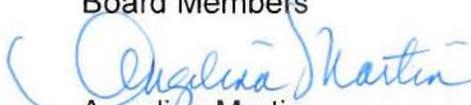




STATE ZONE COUNSELING AND REVISIONS AGENCY • GOVERNOR'S BOARD OF PROFESSIONAL LIFE  
**BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS**  
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DATE: October 19, 2011  
TO: Board Members  
FROM:   
Angelina Martin  
Enforcement Division Chief  
SUBJECT: Enforcement Report

## A. Enforcement Division Updates

**Enforcement Performance Measures** – The following eight measures were developed by the Department of Consumer Affairs (DCA) to determine the effectiveness of efforts to streamline enforcement processes, reduce backlogs and achieve the overall goal to process complaints within 12-18 months:

- PM 1:** Volume – Number of complaints received.
- PM 2:** Cycle Time – Average number of days to complete complaint intake.
- PM 3:** Cycle Time – Average number of days to complete closed cases not resulting in formal discipline.
- PM 4:** Cycle Time – Average number of days to complete cases resulting in formal discipline.
- PM 5:** Efficiency (Cost) – Average cost of intake and investigation for complaints not resulting in formal discipline.
- PM 6:** Customer Satisfaction – Consumer satisfaction with the service received during the enforcement process.
- PM 7:** Cycle Time (Probation Monitoring) – Average number of days from the date a probation monitor is assigned to a probationer to the date the monitor makes first contact.
- PM 8:** Initial Contact Cycle (Probation Monitoring) – Average number of days from the time a violation is reported to a program to the time the assigned probation monitor responds.

The Board is currently collecting data for 7 of the 8 measures. The DCA has delayed data collection for PM 5 (Cost) until BreZE, the new integrated licensing and enforcement system, is implemented.

At its September 9, 2011, Board Meeting the 2010/11 fiscal year (FY) performance report was not provided to the Board because staff had concerns regarding its accuracy and needed time to review the data. The corrected FY 2010/11 performance report is attached (see Attachment A). Overall, the Board met all targets during FY 2010/11 except PM 4

(Formal Discipline) which was set by DCA at 540 days (18 months). The Board does not anticipate meeting this target without the additional staff approved through the Consumer Protection Enforcement Initiative (CPEI) Budget Change Proposal (BCP) and improvements to phases of the enforcement process handled by other agencies (i.e. Division of Investigation, Attorney General's Office, and Office of Administrative Hearings).

**Audit of Enforcement Division** – On April 12, 2010, the Board received notice from the DCA Internal Audit Office (IAO) that a comprehensive audit of the Board's Enforcement Program would be conducted by the IAO. An entrance conference was held on April 27, 2010 but, in July 2010, the audit was placed on hold until September. On September 22, 2010, Vern Hines, DCA Auditor, officially began the audit. On April 15, 2011, the DCA Director announced that the DCA reassessed the project objectives and decided to take a more focused approach to ensure that they are concentrating limited resources on the most crucial components of the boards' enforcement programs. The Director indicated that the formal audit process is not the right fit for the type of evaluation they want to conduct and believes that an assessment is more appropriate. The Board has not received its audit report from DCA.

**Enforcement Vacancies** – On June 10, 2011, the Board's hiring freeze exemption request was approved to hire 2 Supervising Special Investigators (SSI) and 6 Special Investigators (SI) to fill 8 of the 15.5 positions approved through the CPEI BCP. The following CPEI vacancies were filled:

- 1 Supervising Special Investigator – Effective October 1, 2011.
- 3 Special Investigators – 2 Effective October 1, 2011; 1 Effective November 1, 2011.

The Board is continuing its recruitment efforts to fill the remaining 4 positions (i.e., 1 SSI and 3 SI) approved through the freeze exemption. Applicants must undergo an extensive background check and obtain clearance before they are eligible for hire.

In addition to the CPEI positions, the following vacancy exists:

- 1 OT (Complaint/Investigations Unit) – Vacant September 1, 2011.

Recruitment efforts to fill the OT position are underway. However, due to the Governor's directive on August 31, 2010 issuing a State hiring freeze, recruitment efforts are limited to promotions and lateral transfers within the DCA only.

**Overtime** – Effective March 2, 2011, the DCA announced that overtime could be approved once again by the Board. Enforcement staff immediately began volunteering to work overtime to attempt to reduce backlogs. During the past seven months, from March 2, 2011 through September 30, 2011, a total of 1,549 overtime hours were worked by the Enforcement staff.

## B. Enforcement Division General Statistics

Table #1 summarizes the volume involved with the Enforcement Division over the past six fiscal years.

<b>Table #1: Enforcement Division</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12 Through 9/30/11</b>
Complaints Received (Licensees)	1,249	1,506	2,013	3,110	2,574	688
Complaints Received (Applicants)	1,194	1,401	1,573	2,041	2,464	566
Total Complaints Received	2,443	2,907	3,586	5,151	5,038	1,254
Total Complaints Pending	2,279	2,633	3,006	4,365	3,910	3,880
Investigations Referred to DOI <sup>1</sup>	172	190	140	113	111	33
Investigations Closed						
Licensee Investigations by Staff	1,570	1,394	1,522	2,446	3,721	534
Licensee DOI Investigations	88	66	137	240	186	26
Applicants Approved/Cleared	1,051	1,023	1,474	1,150	1,738	281
Applicants Denied (In-House)	19	34	24	20	53	12
Total Investigations Closed:	2,728	2,517	3,157	3,856	5,698	853
Cases Referred to AG's Office	188	326	226	221	339	62
Accusations Filed	176	203	183	166	168	31
Disciplinary Actions Taken	179	185	199	213	286	34
Statement of Issues Filed	8	31	32	18	57	15
Licenses Denied (Adjudicated)	2	5	9	10	3	1

<sup>1</sup> DOI = DCA Division of Investigation.

Table #2 summarizes the processing times involved with the Enforcement Division over the past six fiscal years.

<b>Table #2: Average Complaint Processing Times (In days)</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12 Through 9/30/11</b>
Investigations Conducted In-House	334	154	176	212	299	248
Investigations Conducted by DOI <sup>1</sup>	539	475	665	669	603	632
Total Investigations <sup>2</sup>	437	315	421	441	451	440
Pre-Accusations <sup>3</sup>	309	182	150	138	147	178
Post Accusations <sup>4</sup>	475	336	423	434	321	292
Total Average Days	1,221	833	994	1,013	919	910
Total Average Years	3.3	2.3	2.7	2.8	2.5	2.5

<sup>1</sup> DOI = DCA Division of Investigation

<sup>2</sup> Includes informal investigations conducted by Board Staff and formal investigations conducted by DCA DOI. Data does not include applicants.

<sup>3</sup> From completed investigation to formal charges filed by the Attorney General's (AG) Office.

<sup>4</sup> From formal charges filed by the AG's Office to conclusion of the disciplinary case.

\* Important Note: The Board's processing times increased during the implementation of two major consumer protection functions (i.e., Mandatory Reporting effective July 1, 2007 and Retroactive Fingerprinting effective July 1, 2009) and the reduction in enforcement staff due to Furlough Fridays (i.e., from February 1, 2009 through October 31, 2010).

Department of Consumer Affairs

## Board of Vocational Nursing & Psychiatric Technicians

### Performance Measures

#### Annual Report (2010 – 2011 Fiscal Year)

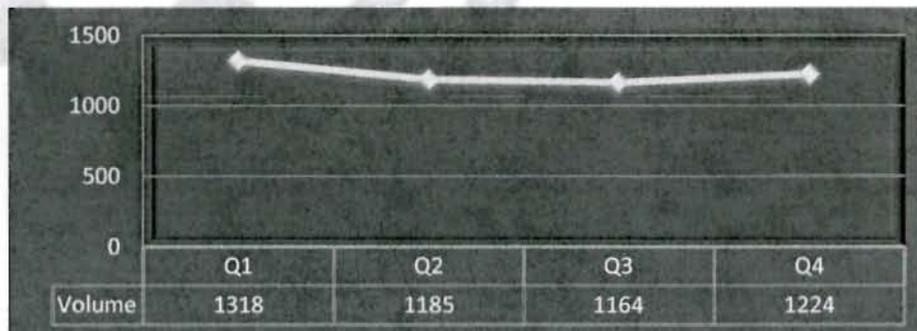
To ensure stakeholders can review the Board's progress in meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures are posted publicly on a quarterly basis.

This annual report represents the culmination of the first four quarters worth of data.

#### Volume

Number of complaints and convictions received.

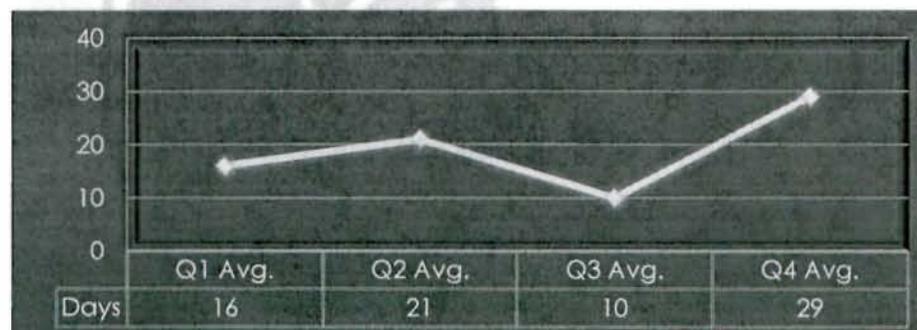
The Board had an annual total of 4,891 this fiscal year.



#### Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

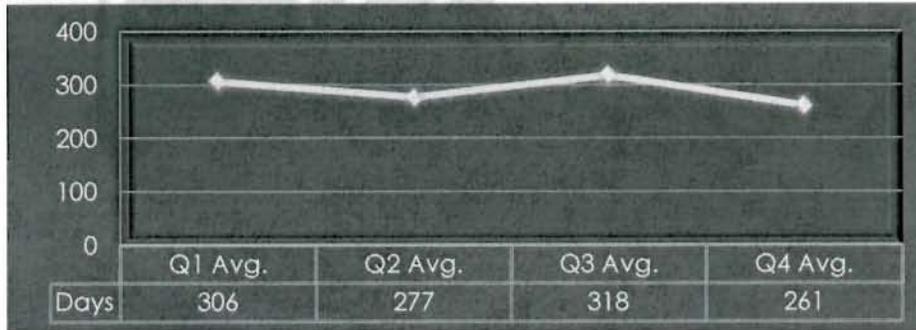
The Board has set a target of 30 days for this measure.



## Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

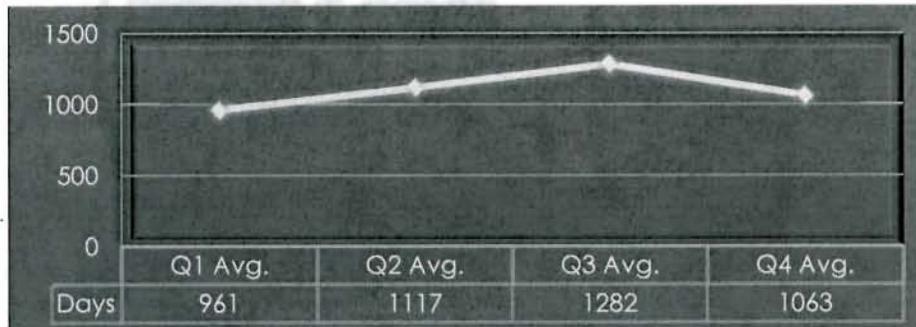
The Board has set a target of 360 days for this measure.



## Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

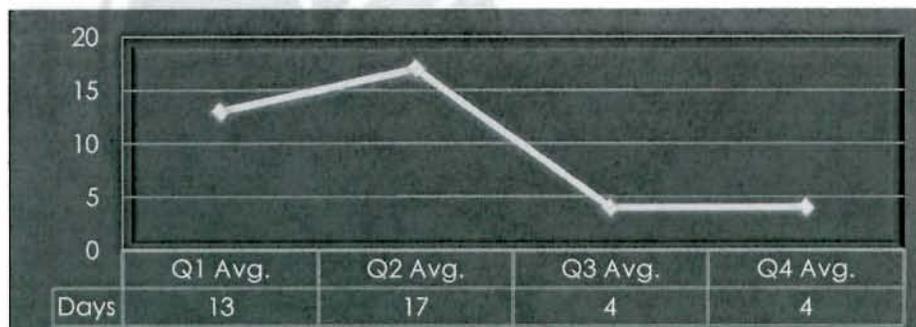
The Board has set a target of 540 days for this measure.



## Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board has set a target of 15 days for this measure.



## Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board has set a target of 30 days for this measure.

