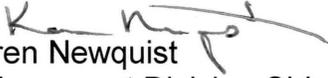


Agenda Item #9



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS
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DATE: October 16, 2012
TO: Board Members
FROM: 
Karen Newquist
Enforcement Division Chief
SUBJECT: Enforcement Division Report

A. Consumer Protection Enforcement Initiative (CPEI)

Enforcement Performance Measures (PM) – The following eight performance 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: Intake Cycle Time – Average number of days to complete complaint intake.

PM 3: Intake & Investigation Cycle Time – Average number of days to complete closed cases not resulting in formal discipline.

PM 4: Formal Discipline 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: Probation Intake Cycle Time – 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: Probation Violation Response Cycle Time – Average number of days from the time a violation is reported to a program to the time the assigned probation monitor responds.

DCA has delayed data collection for PM 5 Efficiency (Cost) until BreEZe, the new integrated licensing and enforcement system, is implemented.

The first quarter (July - September 2012) PM report (see Attachment A) shows that the number of complaints received averaged 399 a month.

With the exception of PM 4 Formal Discipline Cycle time, the Board met its PM targets. PM 2 Complaint Intake and PM 7 Probation Intake averaged 17 days and 5 days

respectively. PM 3 Intake and Investigation averaged 242 days. PM 8 Probation Violation Response Cycle Time averaged 17 days.

The Board does not anticipate meeting the PM 4 Formal Discipline target without improvement to other portions of the enforcement process handled by other agencies (i.e. Attorney General's Office and Office of Administrative Hearings).

B. Regulatory Activity

Proposed Regulatory Action to Implement Uniform Standards for Substance-Abusing Licensees and Revision of Disciplinary Guidelines -- At its September 6, 2012 Board Meeting, the Board approved the regulatory proposal as modified on July 30, 2012 to amend Division 25 of Title 16, California Code of Regulations, sections 2524 (VN Regulations) and 2579.10 (PT Regulations); directed staff to submit the rulemaking file to DCA and to the Office of Administrative Law (OAL) for final approval; and authorized the Executive Officer to make non-substantive changes as are required by the Director of DCA and OAL.

On September 24, 2012, the rulemaking file was submitted to DCA for final approval. On October 9, 2012, DCA approved the rulemaking file. On October 15, 2012, Board staff submitted the rulemaking file to OAL for final approval. OAL has 30 working days within which to approve or disapprove the rulemaking file. Upon approval, OAL will file the regulation changes with the Secretary of State. Thirty days later, the regulation changes will become effective.

Proposed Regulatory Action to Implement SB 539, Mandatory Reporting Requirements – This regulatory action will be reported during the Regulatory Report, agenda item #10.A.

C. Enforcement Division Updates

Enforcement Division Vacancies – The following vacancies exist:

- 1 Supervising Special Investigator
- 1 Special Investigator

Expert Witness Training – The Board currently contracts with four expert witnesses, who review enforcement cases, provide quality expert opinions, and testify at administrative hearings. On October 24, 2012, Board staff will conduct training in Sacramento for approximately five qualified individuals who may become expert witnesses for the Board. The Board's Enforcement and Education Divisions along with the Attorney General's Office will provide the training.

Overtime – Since March 2, 2011 when DCA announced that the Board could again approve overtime, Enforcement staff have been volunteering to work overtime to reduce backlogs. From March 2, 2011 through September 30, 2012, a total of 5,041 overtime hours was worked by Enforcement staff. This amount of overtime equates to approximately 2.5 positions. Through staff's overtime efforts over the past 1.5 years, they are slowly chipping away at the backlogs despite the increasing number of complaints received by the Board.

D. Enforcement Division General Statistics

Table #1 summarizes the Enforcement Division's volume over the past six fiscal years.

Table #1: Enforcement Volume	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13 Thru 9/30/12
Complaints Received (Licensees)	1,506	2,013	3,110	2,599	2,610	569
Complaints Received (Applicants)	1,401	1,573	2,041	2,461	3,035	629
Total Complaints Received	2,907	3,586	5,151	5,060	5,645	1,198
Complaints Pending – Desk	2,334	1,641	4,123	3,742	3,189	2,801
Complaints Pending – Field	0	0	0	0	656	800
<i>Field Complaints Pending with DOI¹</i>	299	365	242	164	141	134
Total Complaints Pending	2,633	3,006	4,365	3,906	3,845	3,735
Field Complaints Referred to DOI	190	140	113	111	92	0
Total Complaints Referred to DOI	190	140	113	111	92	0
Complaints Closed - Desk	2,451	3,020	3,616	5,407	5,464	1,448
<i>Licensees – Unsubstantiated/NOW*</i>	-	-	-	2,495	2,065	359
<i>Substantiated*</i>	-	-	-	643	485	67
<i>Applicants - Approved</i>	1,023	1,474	1,150	1,757	1,739	548
<i>Denied</i>	34	24	20	55	78	22
<i>Other²</i>	-	-	-	457	1,097	452
Complaints Closed - Field	0	0	0	0	5	23
<i>Licensees – Unsubstantiated/NOW*</i>	-	-	-	-	4	11
<i>Substantiated*</i>	-	-	-	-	1	12
Complaints Closed - DOI	66	137	240	204	114	8
<i>Licensees – Unsubstantiated/NOW*</i>	-	-	-	111	31	2
<i>Substantiated*</i>	-	-	-	93	83	6
Total Complaints Closed	2,517	3,157	3,856	5,611	5,583	1,479
Total Cases Referred to AG's Office	326	226	221	339	412	69
Total Accusations Filed	203	183	166	168	251	48
Total Disciplinary Actions Completed	185	199	213	175	170	73
Total Statement of Issues Filed	31	32	18	57	82	23
Total Licenses Denied (Adjudicated)	5	9	10	7	17	3
*Started reporting data FY 2010/11						
1. DOI = DCA Division of Investigation.						
2. Other = pending exam, abandoned, referred to Attorney General's (AG) Office.						

(See next page for Table #2)

Table #2 summarizes the Enforcement Division's processing times over the past six fiscal years.

Table #2: Enforcement Average Processing Times (In days)	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13 Thru 9/30/12
Complaint Processing ¹						
Desk Investigations	154	176	212	295	283	247
Field Investigations	0	0	0	0	197	606
DOI Investigations ²	716	705	775	703	666	854
Average Days to Close Complaints³	191	199	247	310	291	256
Formal Discipline Processing						
Pre-Accusations ⁴	182	150	138	145	175	200
Post Accusations ⁵	336	423	434	275	191	210
Average Days to Complete Disciplinary Actions	518	573	572	420	366	410
Total Average Processing Time (Days)⁶	709	772	819	730	657	666
Total Average Processing Time (Years)	1.9	2.1	2.2	2.0	1.8	1.8
1. Desk, Field, and DOI: includes intake, investigation, determination of Board action, and preparation of informal action if applicable. 2. DOI = DCA Division of Investigation. 3. Prior to the 9/6/12 Board Meeting, Average Days to Close Complaints was calculated using an average of the three Complaint Processing categories. Beginning with the 9/6/12 Board Meeting, Average Days to Close Complaints was presented as weighted averages. (Weighted average is an average that takes into account the proportional relevance of each component, instead of treating each component equally.) 4. From date transmitted to the Attorney General's (AG) Office to date formal action filed. 5. From date formal action filed to conclusion of the disciplinary case. 6. Total = Average Days to Close Complaints + Average Days to Complete Disciplinary Actions.						

Attachment A Fiscal Year 2012/13 First Quarter Performance Report

Agenda Item #9 – Attachment A

Department of Consumer Affairs

Board of Vocational Nursing & Psychiatric Technicians

Performance Measures

Q1 Report (July - September 2012)

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

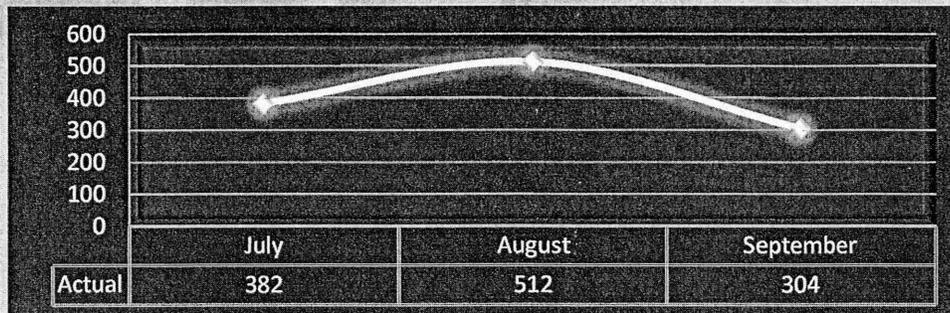
Volume

Number of complaints and convictions received.

Q1 Total: 1,198

Complaints: 166 Convictions: 1,032

Q1 Monthly Average: 399

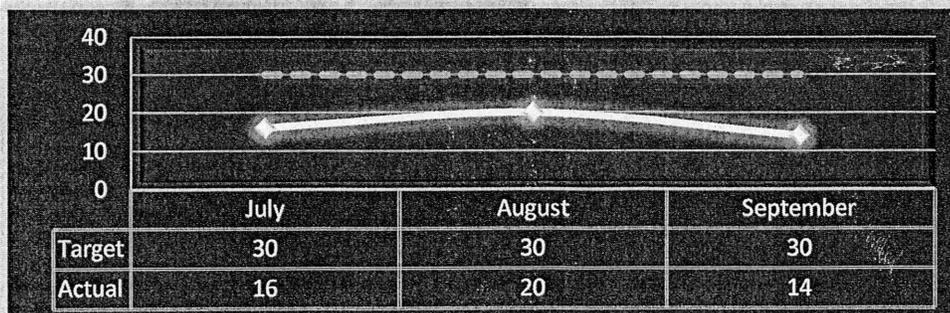


Intake

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

Target: 30 Days

Q1 Average: 17 Days

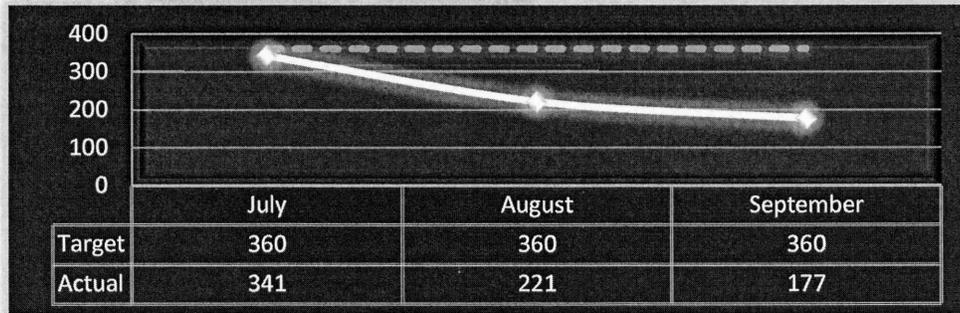


Intake & Investigation

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.

Target: 360 Days

Q1 Average: 242 Days

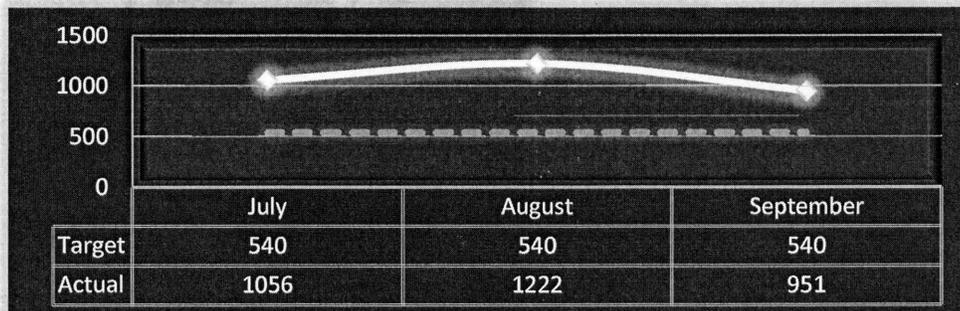


Formal Discipline

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)

Target: 540 Days

Q1 Average: 1,039 Days

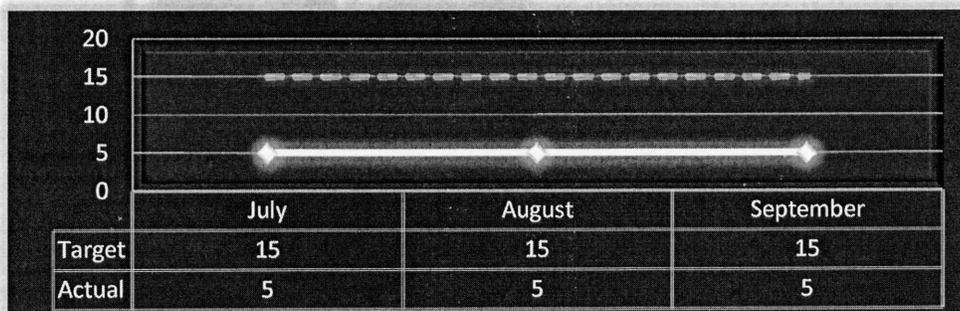


Probation Intake

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

Target: 15 Days

Q1 Average: 5 Days



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.

Target: 30 Days

Q1 Average: 17 Days

