



DATE: March 4, 2018

TO: Board Members

FROM: Matthew McLean, SSM I
Enforcement Program Manager

Stephanie Whitley, Supervising Investigator
Division of Investigation

SUBJECT: Enforcement Division Report

OVERVIEW

Attached is an Overview of Enforcement Activity for the last nine fiscal quarters.

Key trends to note:

- 218 cases were assigned to the Enhanced Screening Unit. This number includes approximately 170 cases reassigned from the Special Investigations Unit, with the remainder coming directly from Intake.
- There were decreases in the number of pending desk, non-sworn, and sworn investigations pending. The total number of pending cases decreased from 1,721 to 1,512, a total decrease of 209 cases.
- Pending case aging went down across all categories, with a corresponding rise in the average days to complete investigations. This indicates a focus on closing older cases.
 - Many of these older cases are cases that had formerly been closed (using the CLPX closure code) while awaiting adjudication of the criminal case. That process is no longer being used, and that code has been removed from BreZE.
- The number of cases closed increased in all categories. Total closed cases increased by 179.
- 178 second level reviews were closed, thanks largely to the fine work of Mellissa Doss, of the Division of Investigation (DOI). This workload will be reassumed by Board staff.

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- Policies and procedures addressing the assignment, review, and closure of these cases are being finalized with assistance of DOI.
- In the last quarter, 99 Cases were referred to the Attorney General's Office; 69 cases more than the previous quarter. This reflects the clearance of many pending second level AS05 reviews and Special Investigation cases.
 - There was a corresponding increase of 44 cases pending with the Attorney General's Office over the previous quarter.
- The number of active probationers has remained constant. The large number of cases that were settled in FY 14/15 for probationary terms will begin to expire in the coming months, decreasing the total number of probationers.

STAFFING AND OTHER TRANSITIONS

The Enforcement Division is rapidly adapting to the changes at the Board of Vocational Nursing and Psychiatric Technicians (Board).

- The Chief of Enforcement departed on March 16, 2018. This transition has been smooth, thanks to the Board's strong ongoing relationship with DOI. Supervising Investigator Stephanie Whitley assumed the duties of the Interim Enforcement Chief with direction and oversight from Assistant Executive Officer Vicki Lyman, which has provided a stabilizing influence in the Enforcement Division. The Enforcement Chief position re-posting will close on May 9, 2018. A first round of interviews was conducted with the initial pool of candidates, and the Executive Management decided to repost to garner a larger pool of candidates.
- The Complaints Unit manager departed at the beginning of April. The managerial duties for this unit are currently handled by the Intake & Enhanced Screening Unit manager. The Complaints Unit manager position has not yet been posted, while Board management analyzes current workflow and resource allocation for possible improvements.
- The Intake & Enhanced Screening manager is currently reviewing applications for one Intake Office Technician position and the Statistical Staff Services/Associate Governmental Program Analyst position.
- The Supervising Special Investigator has scheduled interviews for May 11th and 14th to fill two Special Investigator positions.
- The Intake & Enhanced Screening Unit continues to train on the new duty of completing desk investigations complaint cases. Twenty-one enhanced screening cases were closed in the latter part of Q3. This represents just the beginning of the work for this new unit. The unit manager, unit staff, and DOI staff completed a review of all cases assigned to this unit, and have developed procedures for proper handling of these cases.

RESPONSE TO AB 1229 AND MONITOR'S RECOMMENDATIONS

Per the Board's Sunset Review legislation, AB 1229 (Business and Professions Code section 2847.8), the Board is required to meet quarterly with Division of Investigation management. On February 27, 2018, Board and DOI management met to report on and discuss the required information. The Enforcement Monitor, Benjamin Frank, attended this meeting via telephone, and participated in the discussion of the Board response to the Enforcement Monitor's recommendations, as well as Enforcement Division goals and performance metrics. The next meeting with DOI is scheduled for May 22, 2018.

The Board provides a written report to the department in advance of each meeting, that includes, at a minimum, the following information for each complaint:

- The type of allegation
- A summary of the complaint
- The current status of the complaint

Information identifying whether the complaint was assigned to the Division of Investigation or retained by the Board for investigation

CLOSING

The Enforcement Division management is currently developing performance goals for each unit. These goals will provide a framework against which future performance can be measured. These goals will be presented for discussion at the June 20, 2018 meeting of the Board's Enforcement Committee.