

# Agenda Item #12.



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.  
**Board of Vocational Nursing and Psychiatric Technicians**  
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DATE: May 4, 2015  
TO: Board Members  
FROM: *Rocio Llamas*  
Rocio Llamas  
Enforcement Program Manager  
SUBJECT: Enforcement Division Report

**A. Meeting with Division of Investigation (DOI) – Task Force Recommendation 1**

Meetings between staff and DOI took place on March 3 and April 23, 2015. Discussions were productive. To date, all cases referred to DOI have been accepted.

**B. Office of the Attorney General (OAG) Fast Track Pilot Program – Task Force Recommendation 3**

Since the implementation of the Fast Track Pilot Program on March 1, 2015, the Board's Discipline Unit has transmitted fourteen (14) cases with proposed settlement terms to the Office of the Attorney General (OAG) in San Diego. Eight (8) of the 14 cases have been designated as Fast Track cases by the OAG.

New Cases Transmitted to AG's Office (San Diego)		
Discipline	Proposed Settlement Terms Included	Fast Track
14	14	8
<b>Petition to Revoke Probation</b>		
0	0	0

In addition, the Discipline Unit has transmitted another 38 cases to the other OAG locations with proposed settlement terms.

New Cases Transmitted to AG's Office (all other offices)	
Discipline	Proposed Settlement Terms Included
38	38
<b>Petition to Revoke Probation</b>	
5	N/A

Currently, there are a total of 584 pending cases at the OAG. These are cases are from September 3, 2010 to date. Two hundred (200) of the 584 pending cases are awaiting pleadings (Accusations or Statement of Issues) and 71 either have settled or are pending settlement.

Additionally, there are 46 pending Petition to Revoke Probation (PTR) cases at the OAG. These cases are from November 22, 2011 to date. Six (6) of the 46 pending PTR cases either have settled or are pending settlement.

<b>All Pending Cases at AG's Office</b>			
<b>Total Cases</b>	<b>Cases Waiting for Pleadings</b>	<b>Cases Settled</b>	<b>Settlements Pending</b>
584	200	28	43
<b>Petitions to Revoke Probation</b>			
46	N/A	1	5

**C. Enforcement Performance Measures (PM)**

Performance Measures were developed by the Department of Consumer Affairs (DCA) to assess the effectiveness of efforts to streamline enforcement processes, reduce backlogs, and achieve the overall goal to process complaints within 12-18 months.

At this time the PM report for the third (January – March 2015) quarter is not yet available.

Attachment A: Fiscal Year 2014/2015 Second Quarter Performance Measures Report

## D. General Statistics

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

<b>Table #1: Enforcement Volume</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15 thru 03/31/15</b>
Complaints Received (Licensees)	3,110	2,599	2,610	2,210	1,981	1,486
Complaints Received (Applicants)	2,041	2,461	3,035	2,806	3,808	2,552
<b>Total Complaints Received</b>	<b>5,151</b>	<b>5,060</b>	<b>5,645</b>	<b>5,016</b>	<b>5,789</b>	<b>4,038</b>
Complaints Pending – Desk	4,123	3,742	3,189	2,658	2,393	2,138
Complaints Pending – Field	0	0	656	1,036	904	903
<i>Field Complaints Pending with DOI<sup>1</sup></i>	242	164	141	60	19	19
<b>Total Complaints Pending</b>		<b>3,906</b>	<b>3,845</b>	<b>3,754</b>	<b>3,316</b>	<b>3,054</b>
Complaints Referred to DOI	113	111	92	0	22	21
<b>Total Complaints Referred to DOI</b>	<b>113</b>	<b>111</b>	<b>92</b>	<b>0</b>	<b>22</b>	<b>10</b>
Complaints Closed - Desk	3,616	5,407	5,464	5,227	5,670	4,449
<i>Licensees – Unsubstantiated/NOW*</i>	-	2,495	2,065	1,616	1,462	1,151
<i>Substantiated*</i>	-	643	485	369	386	243
<i>Applicants - Approved</i>	1,150	1,757	1,739	2,035	2,461	1,157
<i>Denied</i>	20	55	78	36	35	31
<i>Other*<sup>2</sup></i>	-	457	1,097	1,171	1,326	1,507
Complaints Closed - Field	0	0	5	259	527	362
<i>Licensees – Unsubstantiated/NOW*</i>	-	-	4	172	327	228
<i>Substantiated*</i>	-	-	1	87	200	134
Complaints Closed - DOI	240	204	114	86	56	9
<i>Licensees – Unsubstantiated/NOW*</i>	-	111	31	45	40	8
<i>Substantiated*</i>	-	93	83	41	16	1
<b>Total Complaints Closed</b>	<b>3,856</b>	<b>5,611</b>	<b>5,583</b>	<b>5,572</b>	<b>6,253</b>	<b>4,820</b>
Cases Referred to AG's Office	221	339	412	288	395	228
Accusations Filed	166	168	251	217	237	161
Total Disciplinary Actions Completed	213	175	170	271	250	201
Statement of Issues Filed	18	57	82	68	50	55
Licenses Denied (Adjudicated)	10	7	17	16	16	10
*Started reporting data FY 2010/11						
1. DOI = DCA Division of Investigation.						
2. Other = pending exam, abandoned, referred to Attorney General's (AG) Office.						

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

<b>Table #2: Enforcement Average Processing Times (In days)</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15 thru 03/31/15</b>
<b>Complaint Processing<sup>1</sup></b>						
Desk Investigations	212	295	283	238	211	199
Field Investigations	0	0	197	510	579	598
DOI Investigations <sup>2</sup>	775	703	666	783	968	1,140*
<b>Average Days to Close Complaints<sup>3</sup></b>	<b>247</b>	<b>310</b>	<b>291</b>	<b>249</b>	<b>249</b>	<b>231</b>
<b>Formal Discipline Processing</b>						
Pre-Accusations <sup>4</sup>	138	145	175	236	176	241
Post Accusations <sup>5</sup>	434	275	191	220	252	299
<b>Average Days to Complete Disciplinary Actions</b>	<b>572</b>	<b>420</b>	<b>366</b>	<b>456</b>	<b>428</b>	<b>540</b>
<b>Total Average Processing Time (Days)<sup>6</sup></b>	<b>819</b>	<b>730</b>	<b>657</b>	<b>715</b>	<b>677</b>	<b>771</b>
<b>Total Average Processing Time (Years)</b>	<b>2.2</b>	<b>2.0</b>	<b>1.8</b>	<b>1.9</b>	<b>1.9</b>	<b>2.1</b>
<ol style="list-style-type: none"> <li>1. Desk, Field, and DOI: includes intake, investigation, determination of Board action, and preparation of informal action if applicable.</li> <li>2. DOI = DCA Division of Investigation.</li> <li>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.)</li> <li>4. From date transmitted to the Attorney General's (AG) Office to date formal action filed.</li> <li>5. From date formal action filed to conclusion of the disciplinary case.</li> <li>6. Total = Average Days to Close Complaints + Average Days to Complete Disciplinary Actions.</li> </ol>						

\*Total of 10 cases closed. The average includes one abandoned application case totaling 1,234 days. Average without this case is 1,034 days.

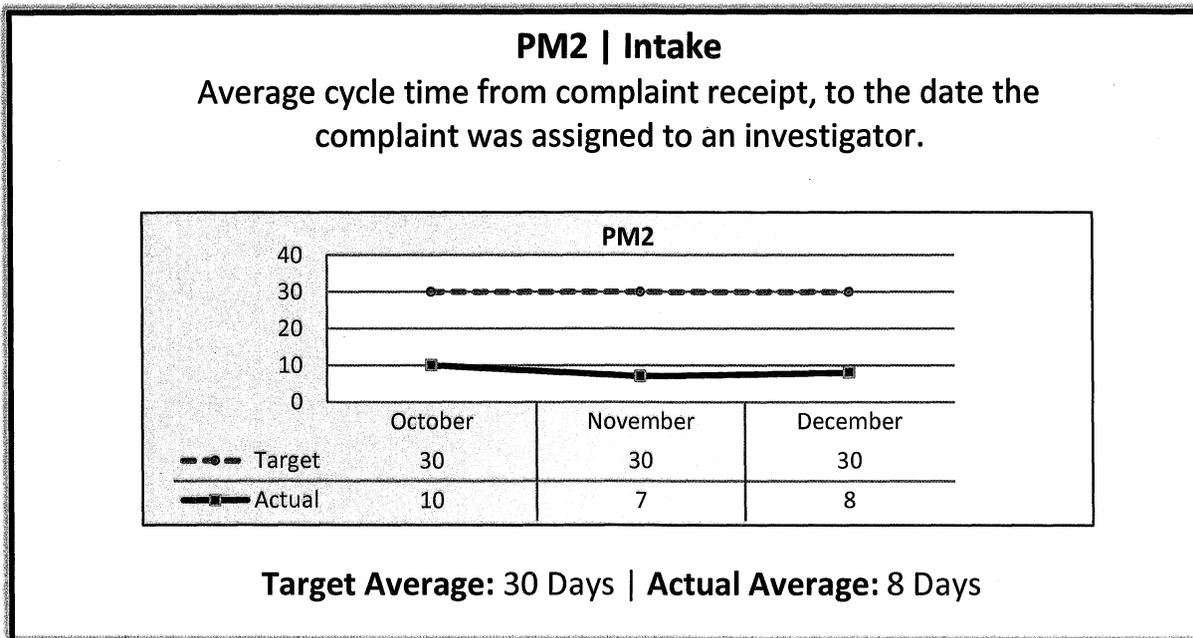
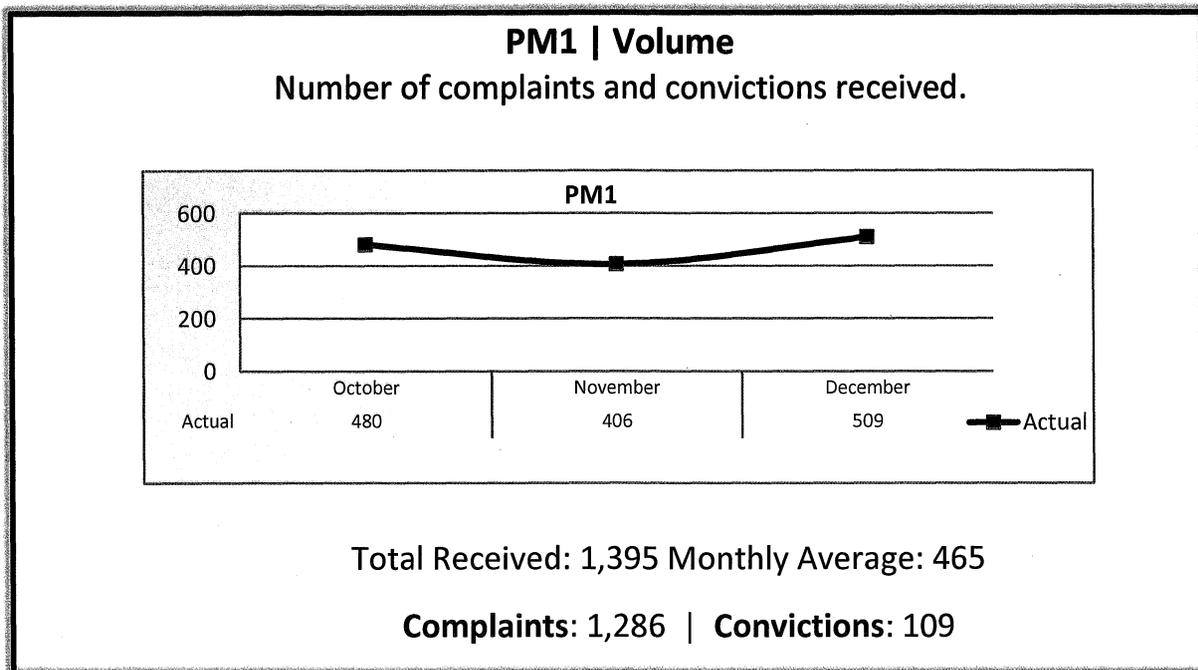
Department of Consumer Affairs

## Board of Vocational Nursing and Psychiatric Technicians

### Performance Measures

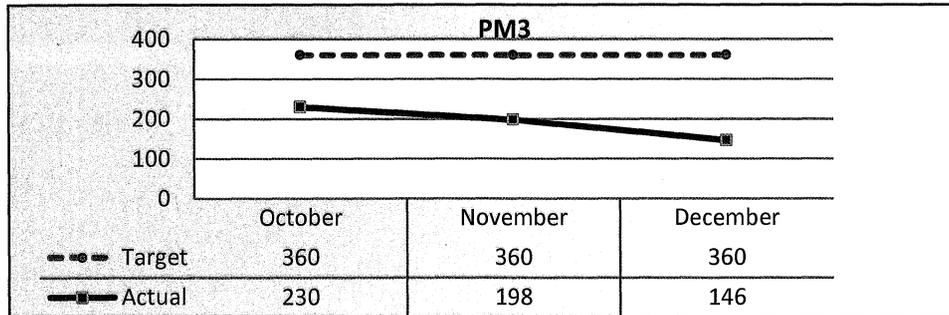
#### Q2 Report (October - December 2014)

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.



### PM3 | Intake & Investigation

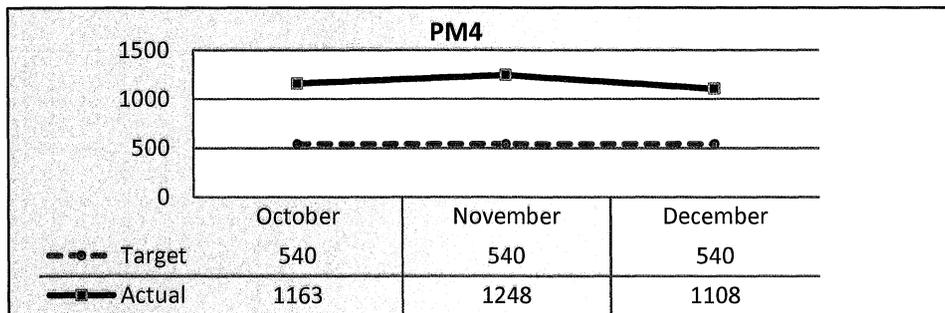
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



**Target Average: 360 Days | Actual Average: 196 Days**

### PM4 | Formal Discipline

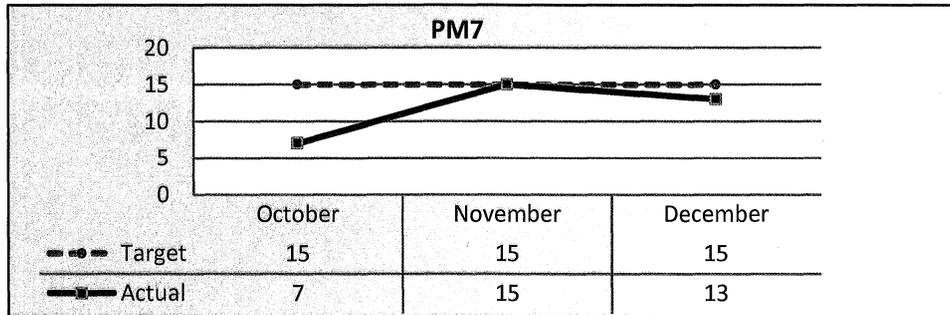
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



**Target Average: 540 Days | Actual Average: 1,196 Days**

### PM7 | Probation Intake

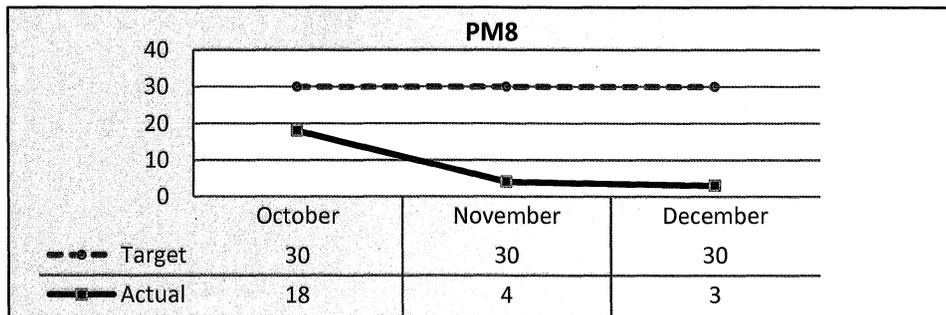
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



**Target Average: 15 Days | Actual Average: 12 Days**

### PM8 | 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 Average: 30 Days | Actual Average: 7 Days**