



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
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DATE: October 25, 2017
TO: Board Members
FROM: Brian Vu
Acting Assistant Executive Officer
SUBJECT: Enforcement Division Report

Attached, please find an Overview of Enforcement Activity for the seven fiscal quarters since the launch of BreEZe. Below is a summary of recent program trends. Key trends to note:

- Since the August Board meeting, there has been an increase of completed cases. Specifically, there is a 12% increase.
- The number of pending cases has increased by approximately 31%. While this shows a marked increase, the Complaint Unit recently re-opened all CLPX cases and retired the activity code. CLPX was a BREEZE activity code that was attached to cases pending adjudication. This change will allow staff to more effectively manage these cases as they move through the criminal justice system.
- Non-Sworn staff has seen a marked increase in number of cases assigned. Specifically, it has nearly tripled from the last quarter.
- The Cite and Fine Program was restarted shortly before the end of the last reported period. Citations issued will continue to rise in the coming quarters.

The Enforcement Division is undergoing a transitional period. The Enforcement Monitor, Division of Investigation (DOI), management, and staff have been working collaboratively to identify best practices, and change business processes where necessary.

Among these changes was the elimination of the process where cases were closed by the Complaints Unit while awaiting the adjudication of the criminal court case. This was identified in the Enforcement Monitor's report. The closure of these cases was intended to lower case aging times by stopping the clock on cases while the Board was awaiting the outcome of the criminal trial. In practice however, it was found that these cases were much harder to track using the BreEZe system. Closing these cases also led to artificially low pending case numbers, and skewed statistical data in other areas such as the number of cases opened and closed.

Elimination of this process allows for much more accountability about the status of cases currently with the Board.

An additional change has been refocusing staff on quickly completing second level reviews. Second level reviews are the reviews by the Complaint Unit of cases that were completed by the DOI, and Non-Sworn Investigations Unit. The Complaint Unit reviews the reports created during the investigation, and decides whether the allegations are substantiated or not. If the allegations are substantiated, they also make a recommendation regarding Board action against the licensee. These cases generally have a higher probability of resulting in formal disciplinary action, and are being prioritized. As a result, the number of second level reviews completed increased by nearly 60% in the last quarter.

Furthermore, the Enforcement Division is in the beginning phases of a Division restructure. Specifically, the Enforcement Division is looking at creating an Intake Unit to be the bridge between Complaints and Non-Sworn. Currently, Non-Sworn staff has to balance true field investigations with pure desk investigations, resulting in a high number of pending cases in the queue. By establishing an Intake Unit, it will provide separation of duties for Complaints as well as establishing an enhanced screening mechanism, allowing Non-Sworn staff to focus solely on cases that align with their job classification – field investigations.

Overview of Enforcement Activity							
Enforcement Volume	2015/16 Q3	2015/16 Q4	2016/17 Q1	2016/17 Q2	2016/17 Q3	2016/17 Q4	2017/18 Q1
Intake							
Complaints Received	242	314	286	208	286	201	245
Arrest/Conviction Reports	522	447	596	371	429	459	464
<i>Applicant</i>	117	116	200	150	144	180	153
<i>Licensee</i>	647	645	682	429	571	480	556
Total Intake	764	761	882	579	715	660	709
Investigations Assigned							
Desk Investigations	643	604	664	396	442	447	428
Non-Sworn Investigation	75	75	69	80	53	40	126
Field Sworn/DOI Investigations	43	56	48	48	41	17	75
Total Cases Assigned for Investigation*	746	775	829	531	587	571	653
Investigations Pending							
Desk Investigations	930	585	567	440	406	515	856**
Non-Sworn Investigations	462	361	385	436	369	343	469
Sworn/DOI Investigations	317	279	261	224	196	145	183
Total Cases Pending*	1,777	1,366	1,323	1,184	1,084	1,206	1,519
Investigations Completed							
Desk Investigations	841	901	713	557	505	374	363
2nd Level Reviews Completed by Desk Unit	6	68	104	113	62	75	121
Non-Sworn Investigations	145	177	45	29	120	66	30
Sworn/DOI Investigations	61	84	77	85	69	69	37
Total Cases Completed*	1,011	1,127	910	707	716	488	544
Average Days to Complete Investigations							
Desk Investigations	146	135	106	107	93	71	96
Non-Sworn Investigations	597	795	641	593	453	599	529
DOI Investigations	201	272	343	330	334	403	293
Overall Average Days to Complete Cases*	238	292	179	186	172	214	201
Informal Discipline							
Citations Issued	99	87	105	46	34	14	9
Formal Discipline							
Total Cases Referred to AG's Office	76	129	98	97	67	51	75
Cases Pending at AG	326	348	356	347	334	275	288
Total Accusations Filed	90	69	85	91	70	69	50
Statement of Issues Filed	10	5	6	7	4	1	2
Total Disciplinary Actions Completed^[1]	88	104	81	95	68	101	55
Average Days to Complete Discipline	958	922	917	892	705	796	735
Active Probationers	351	360	409	422	415	442	429

[1] Does not include Petition for Reinstatement, Petition for Reduction of Penalty/Early Termination, or Citation Appeals.

*Cases differ from Investigations. One case may go through several investigations before completion. Case aging includes all investigation time at any and all units, and supplemental investigation time as well.

** Beginning in 17/18 Q1 Desk Investigations Pending includes cases that were previously closed while the criminal case was being adjudicated. At the recommendation of the Enforcement Monitor, these cases are no longer being closed while the criminal case is adjudicated.



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DATE: September 20, 2017
 TO: Executive Committee Members
 FROM: Brian Vu
 Acting Assistant Executive Officer
 SUBJECT: Enforcement Division – Staffing Update

The Enforcement Division (which consists of the Complaints, Investigations, Discipline and Probation Units) currently has an overall vacancy rate of 8%, 18% lower from the number presented at the August Board meeting.

It is important to note that some of the vacancies were due to staff promotion.

- 1 vacancy in Probation due to internal promotion to Discipline
- Vacant SI is placed on hold pending reclass

Furthermore, Enforcement will be pursuing a restructure to address deficiencies outlined in the Enforcement Monitor's Report. The restructure will address the report by providing a sustainable solution in maximizing efficiency with the Complaints Unit as well as the Special Investigations Unit.

- A New Intake will be created, creating a separation of duties with Complaints' current functions
 - The vacant special investigator position will be reclassified into a Staff Services Manager I
 - 1 of Complaint's SSA vacancies will be hired for this unit
 - 2 current AGPA's will be moved from Complaints
 - 1 redirect SSA position (stats position) will be directed to Intake

Enforcement Program Total Staffing Rate	
Total Number of Positions	37
Total Number of Vacancies	3
Vacancy Rate	8%

Vacancies by Sections	
Complaints	
Investigations	Supervising Special Investigator I, Special Investigator
Probation	1 Staff Services Analyst
Discipline	No Vacancies