



*NOTICE OF PUBLIC MEETING – Notice is hereby given that a public meeting of the Enforcement Committee of the Dental Board of California will be held as follows:*

**NOTICE OF ENFORCEMENT COMMITTEE MEETING**

**Thursday, August 11, 2011**

Upon Conclusion of Legislative and Regulatory Committee Meeting  
1625 North Market Blvd., 1<sup>st</sup> Floor Hearing Room, S-102  
Sacramento, CA 95834

**ENFORCEMENT COMMITTEE**

Chair – Rebecca Downing, Public Member  
Vice Chair – John Bettinger, DDS  
Steven Afriat, Public Member  
Stephen Casagrande, DDS  
Huong Le, DDS  
Thomas Olinger, DDS

CALL TO ORDER

ROLL CALL AND ESTABLISHMENT OF QUORUM

ENF 1 – Approval of the May 19, 2011 Enforcement Committee Meeting Minutes

ENF 2 – Enforcement Program – Statistics and Status

ENF 3 – Diversion Statistics

ENF 4 – Enforcement Personnel Update

PUBLIC COMMENT

ADJOURNMENT

Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. Time limitations for discussion and comment will be determined by the President. For verification of the meeting, call (916) 263-2300 or access the Board's Web Site at [www.dbc.ca.gov](http://www.dbc.ca.gov). This Committee meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Richard DeCuir, Executive Officer at 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, or by phone at (916) 263-2300. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.



## **ENFORCEMENT COMMITTEE MEETING MINUTES**

**Thursday, May 19, 2011**

Embassy Suites SFO, 150 Anza Blvd.  
Burlingame, CA 94010

**DRAFT**

### **Members Present:**

Rebecca Downing, Public Member, Chair  
John Bettinger, DDS, Vice Chair  
Steven Afriat, Public Member  
Stephen Casagrande, DDS  
Huong Le, DDS  
Thomas Olinger, DDS

### **Members Absent:**

### **Staff Present:**

Richard DeCuir, Executive Officer  
Kim A. Trefry, Enforcement Chief  
Jocelyn Campos, Enforcement Coordinator  
Karen Fischer, Administrative Analyst  
Sarah Wallace, Legislative/Regulatory Analyst  
Linda Byers, Executive Assistant  
Kristy Shellans, DCA Senior Staff Counsel  
Greg Salute, Deputy Attorney General

### **ROLL CALL AND ESTABLISHMENT OF QUORUM**

Ms. Rebecca Downing, Chair, called the committee meeting to order at 5:10 p.m. Roll was called and a quorum was established.

### **ENF 1 – Approval of the February 24, 2011 Enforcement Committee Meeting Minutes**

M/S/C (Afriat/Le) to approve the Enforcement Committee meeting minutes of February 24, 2011. The motion passed unanimously.

### **ENF 2 – Investigator Activity Reporting (IAR) Update**

Kim Trefry, Enforcement Chief, reported on the use of the IAR system for Enforcement Program staff.

### **ENF 3 – Enforcement Statistics/Improved Report Templates**

Kim Trefry, Enforcement Chief, reviewed each of the new reports.

### **ENF 4 – Discussion and Possible Action Regarding Time Limitations for Posting Cite and Fine Actions on the Board's Website.**

There are currently no time limitations in the Dental Practice Act for posting citations and fines on the Internet. Kim Trefry, Enforcement Chief, provided the background on this issue and reported what staff has been preparing for the Joint Sunset Review Committee to resolve this issue legislatively. Dr. Casagrande would like to see this very important issue addressed as soon as possible by whatever means necessary. Mr. DeCuir stated that statutory language has been introduced in SB 540.

**ENF 5 – Diversion Statistics**

Richard DeCuir, Executive Officer, presented an overview of the Diversion Statistics.

**ENF 6 – Report on Dental Consultant Calibration Course for Complaint and Compliance Unit**

Greg Salute, Deputy Attorney General, reported that he helped teach the course along with Dr. Olinger, Dr. Dominicus, Dr. Liebig, and Dr. Shank and that it was very well received. Mr. Salute stated that due to the governor’s Travel Restrictions, future Calibration Courses have been tabled until further notice.

**ENF 7 - Update on Enforcement Process Improvements**

Kim Trefry, Enforcement Chief, gave an overview of the latest Enforcement Process Improvements which included: training, CURES access, staffing, personnel vacancies, new classifications, status reports and Policy and Procedure Manuals.

**PUBLIC COMMENT**

There was no public comment.

**ADJOURNMENT**

The Committee adjourned at 5:39 p.m.



## MEMORANDUM

<b>DATE</b>	July 18, 2011
<b>TO</b>	Enforcement Committee Members Dental Board of California
<b>FROM</b>	Lori Reis, Manager Complaint and Compliance Unit Dental Board of California
<b>SUBJECT</b>	<b>Agenda Item ENF 2A:</b> Enforcement Statistics/Complaint Unit

Attached please find the case closure and aging statistics for the previous 12 month period.

**Cases Received:** The total number of complaint files received during the previous 12 months was 3684, averaging 307 per month.

**Cases Closed:** The total number of complaint files closed during the same time period was 3068, averaging 255 per month.

The average number of days a complaint took to close within the last 12 months was 103 days.

**Pending Cases (as of 06/30/11):** 511

Average caseload per Consumer Services Analyst (CSA) = 85 cases

Cases pending assignment = 1

### **Case Aging (as of 06/30/11)**

0-3 Months	443
4-6 Months	65
7-9 Months	3
10-12 Months	0
1-2 Years	0

**Staffing:** The Complaint Unit recently filled two (2) CSA positions, each with apprentice analysts who are being trained by journey level staff. All Complaint Unit positions are now fully staffed with the exception of one (1) complaint intake position which remains vacant due to hiring freeze issues.

**Case Reviews:** Monthly case audits continue to take place. This process ensures staff is focusing on their priority cases, to ensure they are processed timely and meeting the Department's mission.



## MEMORANDUM

<b>DATE</b>	July 15, 2011
<b>TO</b>	Enforcement Committee Dental Board of California
<b>FROM</b>	Kim A. Trefry, Enforcement Chief Dental Board of California
<b>SUBJECT</b>	<b>Agenda Item ENF 2B:</b> Investigation Program Statistics and Status

Attached please find Investigation statistics for the previous 9 – 12 month period. Below is a summary of some of the program’s trends:

**Case Closures** The total number of investigation cases closed, filed with the Attorney General’s Office or filed with the District/City Attorney for FY 2010/11 are **1037**. This is a 58% increase from the previous fiscal year.

**Average Days to Close a Case** The average number of days an investigation took to complete within the 2010/11 fiscal year was **401 days**. This is a 25% decrease from the previous fiscal year’s average. It has taken an average of 13 months from the receipt of the complaint to the closure of the investigation file.

**Case Aging** (As of July 1, 2011)

0 – 3 Months	20%
3 – 6 Months	18%
6 – 12 Months	21%
1 – 2 Years	27%
2 – 3 Years	12%
3+ Years	1%

It should be noted that the number of cases in the oldest category (3 years and older) has decreased from 38 (in November 2010) to 9.

**Current Open Caseload** (As of July 1, 2011)

There are currently approximately 963 open investigative cases, 295 probation cases, and 108 open inspection cases.

Average caseload per full time Investigator = 39

Average caseload per Analyst = 58

Average caseload per Inspector = 54

Cases pending assignment = 66

**Unassigned Case Evaluations** In May 2011, the Investigation supervisors met to review the backlog of unassigned cases and come up with strategies to address this challenge. Staff re-evaluated the case assignments between the various state classifications in use by the Enforcement Program (Sworn Investigators, Non-sworn Special Investigators, and Analysts). Over three days, the supervisors reviewed over 200 case files.

Staff developed case criteria to better distribute the workload among the existing staff. The number of unassigned cases has now been reduced to **66** (as of June 30, 2011). Probation caseloads were also reviewed as a part of this effort. Probation assignment criteria are now in development and will be implemented along with the updated Probation Manual.

**Investigative Activity Reporting (IAR) Update** The IAR program has now been in use for approximately 8 months. Included along with the Enforcement Activity statistics are charts showing the number of case hours worked in our most commonly reported investigation categories. The majority (**53%**) of our time was dedicated to Negligence/Incompetence cases. The next two highest categories of case time were spent working Criminal conviction cases (**13%**) and investigating Unlicensed Practice (**9%**).

Although there is still a limited amount of data in this system, we can provide some preliminary averages to complete some case types:

- Criminal Convictions – 2 hours / case
- Death/Great Bodily Injury – 13 hours / case
- Fraud – 8 hours / case
- Negligence/Incompetence – 8 ½ hours / case
- Self-Use Drugs/Alcohol – 11 hours / case

[It should be noted that these averages are most likely lower than the norm. Cases which were open and being worked prior to implementation of the IAR, will not reflect all hours worked.]

Of the cases closed during this time period, approximately **28%** were referred to the Attorney General's Office for administrative action. Another **3%** were referred for criminal prosecution.

**IAR System Upgrade** – Effective May 2011, the system began recording Probation Monitoring time in addition to investigative tasks. At the time of this report, staff are spending approximately **7%** of their investigative time performing probation monitoring tasks.

**Travel Restrictions** In response to the Governor's Executive Order (B-06-11) restricting non-essential travel, the Enforcement Program is now having to submit written justification and itineraries for staff whenever they may incur a parking fee, road

toll, or other expense in the course of their duties. This additional requirement has impacted staff's ability to travel on their investigations.

**Consumer Satisfaction Survey** The Department provided the Board with survey results for the third quarter performance measure (January – March). With over 950 case closures during this three month period, only seven survey responses were received, which continues to be too low for analysis. The Department has initiated a post card response to be included in closure letters to provide consumers with an alternative to the current online survey tool.

**Statistical Summary of Complaint Age  
April 2010 - March 2011**

**Chart 1 - Open Complaints by Age**

<b>Breakdown by Age</b>	<b>Jul-10</b>	<b>Aug-10</b>	<b>Sep-10</b>	<b>Oct-10</b>	<b>Nov-10</b>	<b>Dec-10</b>	<b>Jan-11</b>	<b>Feb-11</b>	<b>Mar-11</b>	<b>Apr-11</b>	<b>May-11</b>	<b>Jun-11</b>
0 - 3 Months	606	658	638	662	614	630	684	639	604	699	505	443
4-6 Months	222	177	120	83	105	86	95	46	55	61	109	65
7-9 Months	147	115	103	77	34	17	16	13	22	18	12	3
10-12 Months	35	22	22	31	35	29	13	6	0	0	5	0
1-2 Years	21	21	22	6	5	3	7	5	0	0	0	0
2-3 Years	2	1	1	2	0	0	0	0	0	0	0	0
3+ Years	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total*</b>	<b>1033</b>	<b>994</b>	<b>906</b>	<b>861</b>	<b>793</b>	<b>765</b>	<b>815</b>	<b>709</b>	<b>681</b>	<b>778</b>	<b>631</b>	<b>511</b>

\*Totals will not match **Pending at end of Period** due to coding variations within Open Case Aging reports.

**Chart 2 - Closed Complaints by Age**

<b>Breakdown by Age</b>	<b>Jul-10</b>	<b>Aug-10</b>	<b>Sep-10</b>	<b>Oct-10</b>	<b>Nov-10</b>	<b>Dec-10</b>	<b>Jan-11</b>	<b>Feb-11</b>	<b>Mar-11</b>	<b>Apr-11</b>	<b>May-11</b>	<b>Jun-11</b>	<b>YTD</b>
0 - 3 Months	129	97	116	130	115	139	155	124	157	138	220	191	1711
3-6 Months	59	67	80	57	57	79	72	69	91	57	53	107	848
6-12 Months	52	67	79	43	55	57	29	16	7	15	2	1	423
1-2 Years	16	18	11	7	17	2	5	4	4	2	0	0	86
2-3 Years	0	1	0	0	1	0	0	0	0	0	0	0	2
3+ Years	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total*</b>	<b>256</b>	<b>250</b>	<b>286</b>	<b>237</b>	<b>245</b>	<b>277</b>	<b>261</b>	<b>213</b>	<b>259</b>	<b>212</b>	<b>275</b>	<b>299</b>	<b>3070</b>



Statistical Summary of Complaint Categories  
April 2010 - March 2011

Chart 3 - Open Complaints by Allegation Type

Allegation	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11
Fraud (F)	59	66	58	65	64	61	61	88	118	149	107	30
Non-Jurisdictional (J)	31	41	53	36	19	17	15	15	15	16	12	9
Incompetence/Negligence (N)	760	703	598	591	554	508	485	449	416	392	372	360
Other (O)	42	42	34	24	21	13	15	23	24	21	21	31
Unprofessional Conduct (R )	105	109	93	86	84	70	62	51	37	29	29	22
Sexual Misconduct (S)	0	1	1	0	1	1	0	0	0	0	0	0
Unlicensed/Unregistered (U)	6	11	8	8	6	5	9	3	3	5	5	6
Drug Related Offenses (D)	2	1	4	0	0	2	0	2	0	1	0	1
Criminal Charges (V)	42	42	73	73	66	100	154	58	30	147	68	55
Unsafe/Unsanitary Conditions (E)	8	10	12	6	4	2	1	3	7	3	2	3
Discipline by Another State (T)	5	4	4	3	2	0	1	0	0	0	0	0
Substance Abuse, Mental/Physical Impairment (A)	0	0	0	0	1	2	1	2	0	0	0	0
<b>Total*</b>	<b>1060</b>	<b>1030</b>	<b>938</b>	<b>892</b>	<b>822</b>	<b>781</b>	<b>804</b>	<b>694</b>	<b>650</b>	<b>763</b>	<b>616</b>	<b>517</b>

\*Totals will not match **Pending at end of Period** due to coding variations within Open Case Allegation reports.

Statistical Summary of Complaint Categories  
April 2010 - March 2011

Chart 4 - Closed Complaints by Allegation Type

Allegation	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	YTD Totals
Fraud (F)	14	10	15	12	22	13	14	9	15	10	53	84	271
Non-Jurisdictional (J)	49	25	13	47	34	23	46	28	31	27	42	24	389
Incompetence/Negligence (N)	132	162	197	126	136	178	139	141	169	133	140	121	1774
Other (O)	15	12	12	13	8	14	9	4	14	10	11	21	143
Unprofessional Conduct (R)	25	25	33	21	22	34	37	19	24	18	9	9	276
Sexual Misconduct (S)	0	0	0	0	0	0	0	0	0	0	0	0	0
Unlicensed/Unregistered (U)	8	2	3	1	1	1	1	7	1	1	3	3	32
Drug Related Offenses (D)	0	1	0	1	0	1	0	1	0	0	1	0	5
Criminal Charges (V)	12	8	6	11	17	5	8	0	0	2	11	33	113
Unsafe/Unsanitary Conditions (E)	0	5	7	7	5	7	7	4	4	11	5	4	66
Discipline by Another State (T)	2	1	0	0	0	1	0	1	0	0	0	0	5
Sub. Abuse, Mental/Physical Impairment (A)	0	0	0	0	0	0	0	0	1	0	0	0	1
<b>Total</b>	<b>257</b>	<b>251</b>	<b>286</b>	<b>239</b>	<b>245</b>	<b>277</b>	<b>261</b>	<b>214</b>	<b>259</b>	<b>212</b>	<b>275</b>	<b>299</b>	<b>3075</b>

**Statistical Summary of Investigation Age  
July 2010 - June 2011**

**Chart 5 - Open Investigations by Age**

<b>Breakdown by Age</b>	<b>Jul-10</b>	<b>Aug-10</b>	<b>Sep-10</b>	<b>Oct-10</b>	<b>Nov-10</b>	<b>Dec-10</b>	<b>Jan-11</b>	<b>Feb-11</b>	<b>Mar-11</b>	<b>Apr-11</b>	<b>May-11</b>	<b>Jun-11</b>
0 - 3 Months	N/A	N/A	N/A	63	49	47	68	237	264	141	152	202
3 - 6 Months	N/A	N/A	N/A	107	105	113	87	127	143	193	187	182
6 - 12 Months	N/A	N/A	N/A	219	223	261	264	272	244	266	252	205
1 - 2 Years	N/A	N/A	N/A	271	265	264	256	260	275	268	265	271
2 - 3 Years	N/A	N/A	N/A	117	118	137	147	140	142	131	124	123
3+ Years	N/A	N/A	N/A	38	29	23	21	16	10	13	14	9
<b>Total</b>				<b>815</b>	<b>789</b>	<b>845</b>	<b>843</b>	<b>1052</b>	<b>1078</b>	<b>1012</b>	<b>994</b>	<b>992</b>

N/A - Information Not Available

**Chart 6 - Closed Investigations by Age**

<b>Breakdown by Age</b>	<b>Jul-10</b>	<b>Aug-10</b>	<b>Sep-10</b>	<b>Oct-10</b>	<b>Nov-10</b>	<b>Dec-10</b>	<b>Jan-11</b>	<b>Feb-11</b>	<b>Mar-11</b>	<b>Apr-11</b>	<b>May-11</b>	<b>Jun-11</b>	<b>YTD</b>
0 - 3 Months	7	6	21	27	8	9	11	8	18	67	65	27	<b>274</b>
3 - 6 Months	6	4	3	8	2	9	4	3	12	14	56	22	<b>143</b>
6 - 12 Months	20	10	13	9	8	10	20	8	14	13	24	20	<b>169</b>
1 - 2 Years	34	22	6	12	10	16	11	21	31	12	14	21	<b>210</b>
2 - 3 Years	4	14	8	9	7	9	16	18	22	21	37	12	<b>177</b>
3+ Years	3	2	1	7	5	7	10	5	8	0	4	5	<b>57</b>
<b>Total</b>	<b>74</b>	<b>58</b>	<b>52</b>	<b>72</b>	<b>40</b>	<b>60</b>	<b>72</b>	<b>63</b>	<b>105</b>	<b>127</b>	<b>200</b>	<b>107</b>	<b>723</b>

\*Numbers in Chart 5 & 6 may not match the main statistical summary.

Aging reports are captured at the end of each month.

Summary reports are captured at the end of each quarter and may reflect changes to the data.

**Statistical Summary of Investigation Categories  
July 2010 - June 2011**

**Chart 7 - Open Investigations by Allegation Type**

<b>Allegation</b>	<b>Jul-10</b>	<b>Aug-10</b>	<b>Sep-10</b>	<b>Oct-10</b>	<b>Nov-10</b>	<b>Dec-10</b>	<b>Jan-11</b>	<b>Feb-11</b>	<b>Mar-11</b>	<b>Apr-11</b>	<b>May-11</b>	<b>Jun-11</b>
Substance Abuse, Mental/Physical Impairment (A)	10	10	10	10	8	9	9	8	8	8	7	5
Drug Related Offenses (D)	28	28	29	30	27	23	25	25	26	28	25	28
Unsafe/Unsanitary Conditions (E)	4	5	6	7	7	6	5	5	6	4	4	4
Fraud (F)	42	45	47	50	52	49	49	60	58	64	63	62
Non-Jurisdictional (J)	3	1	1	1	1	1	1	1	0	1	1	1
Incompetence/Negligence (N)	361	360	386	378	391	409	399	396	396	397	385	372
Other (O)	54	54	51	49	47	47	44	43	41	45	41	38
Unprofessional Conduct (R )	70	69	77	76	84	82	75	89	88	86	87	89
Sexual Misconduct (S)	14	12	12	12	12	13	17	17	16	13	13	10
Discipline by Another State (T)	51	52	51	52	51	52	50	46	31	31	31	31
Unlicensed/Unregistered (U)	89	89	90	96	96	87	85	96	97	98	103	100
Criminal Charges (V)	51	56	57	54	56	66	64	258	306	236	235	248
<b>Total</b>	<b>777</b>	<b>781</b>	<b>817</b>	<b>815</b>	<b>832</b>	<b>844</b>	<b>823</b>	<b>1044</b>	<b>1073</b>	<b>1011</b>	<b>995</b>	<b>988</b>

**Statistical Summary of Investigation Categories  
July 2010 - June 2011**

**Chart 8 - Closed Investigations by Allegation Type**

<b>Allegation</b>	<b>Jul-10</b>	<b>Aug-10</b>	<b>Sep-10</b>	<b>Oct-10</b>	<b>Nov-10</b>	<b>Dec-10</b>	<b>Jan-11</b>	<b>Feb-11</b>	<b>Mar-11</b>	<b>Apr-11</b>	<b>May-11</b>	<b>Jun-11</b>
Substance Abuse, Mental/Physical Impairment (A)	0	0	0	0	2	0	2	2	1	1	1	2
Drug Related Offenses (D)	2	1	1	2	4	5	2	2	1	2	3	1
Unsafe/Unsanitary Conditions (E)	2	0	0	0	0	1	1	1	0	2	1	0
Fraud (F)	5	1	3	0	1	4	4	2	3	1	5	5
Non-Jurisdictional (J)	1	2	0	0	0	0	0	0	1	0	0	0
Incompetence/Negligence (N)	28	26	13	29	10	20	27	29	32	27	47	33
Other (O)	7	4	4	4	3	2	7	4	5	1	5	6
Unprofessional Conduct (R )	7	7	7	7	2	8	10	2	10	7	7	4
Sexual Misconduct (S)	0	2	1	2	3	0	0	0	1	4	0	3
Discipline by Another State (T)	2	1	2	0	3	1	2	4	15	0	0	0
Unlicensed/Unregistered (U)	9	5	8	2	6	15	11	6	9	7	10	10
Criminal Charges (V)	9	8	13	24	6	4	6	11	27	75	119	43
<b>Total</b>	<b>72</b>	<b>57</b>	<b>52</b>	<b>70</b>	<b>40</b>	<b>60</b>	<b>72</b>	<b>63</b>	<b>105</b>	<b>127</b>	<b>198</b>	<b>107</b>

## Unassigned Investigations by Case Age

### July 2010 - June 2011

**Chart 9**

<b>Breakdown by Age</b>	<b>Jul-10</b>	<b>Aug-10</b>	<b>Sep-10</b>	<b>Oct-10</b>	<b>Nov-10</b>	<b>Dec-10</b>	<b>Jan-11</b>	<b>Feb-11</b>	<b>Mar-11</b>	<b>Apr-11</b>	<b>May-11</b>	<b>Jun-11</b>
0 - 3 Months	N/A	N/A	N/A	N/A	16	15	16	22	21	23	24	5
3 - 6 Months	N/A	N/A	N/A	N/A	42	34	21	26	27	24	20	10
6 - 12 Months	N/A	N/A	N/A	N/A	104	125	114	102	56	62	62	9
1 - 2 Years	N/A	N/A	N/A	N/A	122	122	102	105	122	103	102	34
2 - 3 Years	N/A	N/A	N/A	N/A	43	24	19	23	21	29	22	4
3 + Years	N/A	N/A	N/A	N/A	3	1	2	3	2	2	3	3
<b>Total</b>					<b>330</b>	<b>321</b>	<b>274</b>	<b>281</b>	<b>249</b>	<b>243</b>	<b>233</b>	<b>65</b>

**Disciplinary Referrals by Category  
July 2010 - June 2011**

**Chart 10 - Disciplinary Referrals by Category**

<b>Allegation</b>	<b>Jul-10</b>	<b>Aug-10</b>	<b>Sep-10</b>	<b>Oct-10</b>	<b>Nov-10</b>	<b>Dec-10</b>	<b>Jan-11</b>	<b>Feb-11</b>	<b>Mar-11</b>	<b>Apr-11</b>	<b>May-11</b>	<b>Jun-11</b>	<b>YTD</b>
Cases referred to the Attorney Generals Office	9	11	5	17	12	10	5	13	19	7	18	10	136
Accusations Filed	8	12	4	9	5	2	9	10	9	7	11	7	93
Statement of Issues Filed	1	6	4	0	2	2	2	4	0	0	2	0	23
Petition for Reinstatement	0	1	0	1	0	0	0	2	1	0	2	0	7
Petition to Revoke Probation	0	1	0	2	1	0	3	0	1	0	1	0	9
Petition for Early Termination of Probation	4	1	0	2	0	1	0	1	0	0	0	0	9
Petition to Modify Probation	0	0	0	0	0	0	0	0	0	0	0	0	0
Request for Interim Susp Order / PC23 / TRO	0	0	0	0	2	0	1	0	0	1	0	1	5

**Disciplinary Actions Taken  
July 2010 - June 2011**

**Chart 11 - Disciplinary Actions**

Allegation	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	YTD
Probation	7	4	9	5	2	4	8	6	2	5	6	6	64
Suspension	1	1	1	2	0	0	1	0	0	0	0	0	6
Revocation	1	0	4	1	3	2	1	0	2	4	5	6	29
Public Reprimand	0	0	2	1	1	1	1	1	1	0	0	1	9
License Denial	0	0	2	0	0	0	0	1	0	0	0	0	3
License Surrender	3	0	1	0	1	1	2	0	1	0	0	2	11
Interim Suspension Order/PC23	0	0	0	0	1	0	1	0	0	0	0	0	2
Other*	1	0	0	0	3	0	2	1	0	3	2	3	15
No Discipline	1	0	1	1	3	0	0	0	0	2	5	3	16
Accusation Withdrawn	2	0	2	1	0	1	0	0	2	0	1	0	9
Accusation Dismissed	0	0	0	0	0	0	0	0	0	0	0	0	0
Accusation Declined	0	1	2	0	1	0	0	0	0	0	2	0	6

\* Represents cases *Opened in Error* & cases rejected for filing by the Executive Officer

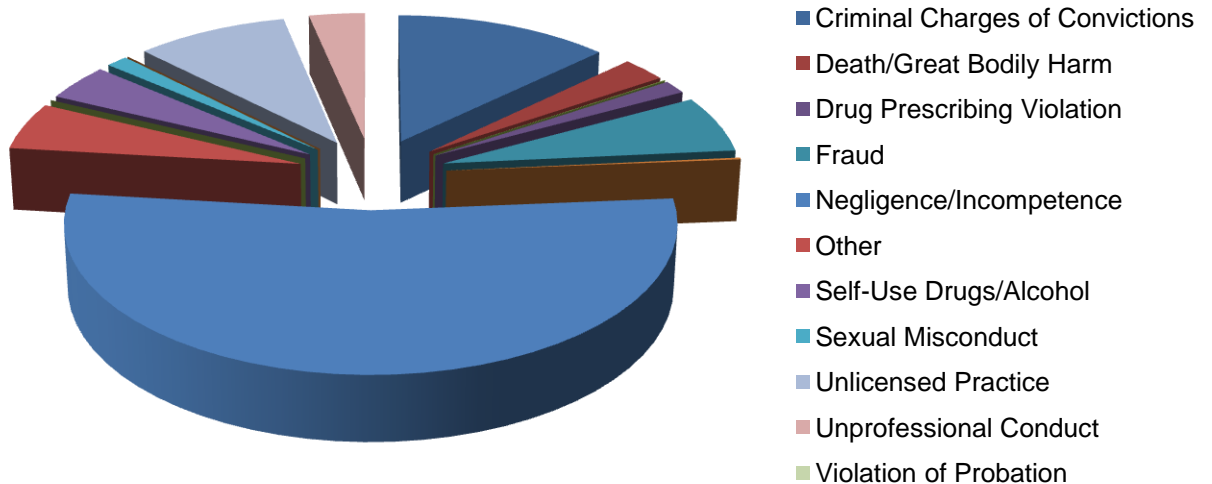


Investigator Activity Reporting System (IAR)  
Hours Worked by Case Type

Case Categories	Case Hours	# of Cases	% of Total
Criminal Charges of Convictions	316.5	151	12.9%
Death/Great Bodily Harm	66.75	5	2.7%
Discipline by Another State	1.5	1	0.1%
Drug Prescribing Violation	36.25	9	1.5%
Fraud	156	20	6.4%
Mental/Physical Illness	5	0	0.2%
Negligence/Incompetence	1302.5	156	53.1%
Other	130	24	5.3%
Patient Abandonment	0	0	0.0%
Self-Use Drugs/Alcohol	100	9	4.1%
Sexual Misconduct	32.5	2	1.3%
Statement of Issues	0	0	0.0%
Unlicensed Practice	224.5	34	9.2%
Unprofessional Conduct	82	9	3.3%
Violation of Probation	0	0	0.0%
<b>Totals</b>	<b>2453.5</b>	<b>420</b>	<b>100%</b>

12/02/2010 - 7/13/2011

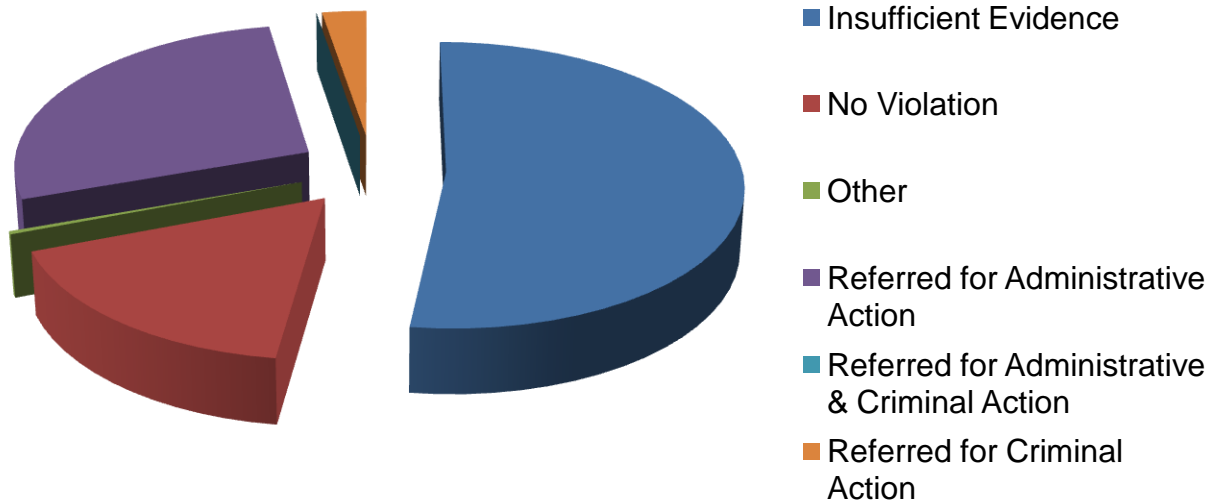
**Hours Worked by  
Case Type**



Investigator Activity Report  
Hours Worked by Closure Category

Case Closure Categories	Case Hours	# of Cases	% of Total
Insufficient Evidence	1259	265	52.1%
No Violation	413.5	54	17.1%
Other	8.45	1	0.3%
Referred for Administrative Action	669	95	27.7%
Referred for Administrative & Criminal Action	0	0	0.0%
Referred for Criminal Action	64.5	6	2.7%
<b>Total</b>	<b>2414.45</b>	<b>421</b>	<b>100.0%</b>

**Hours Worked by Closure Category**





## MEMORANDUM

<b>DATE</b>	July 18, 2011
<b>TO</b>	Enforcement Committee Members Dental Board of California
<b>FROM</b>	Lori Reis, Manager Dental Board of California
<b>SUBJECT</b>	<b>Agenda Item ENF 3:</b> Diversion Statistics

Attached are the Diversion Program statistics for quarter ending 06/30/2011. These statistics reflect the participant activity in the Diversion (Recovery) Program and are presented for information purposes only.

These statistics are derived from the MAXIMUS reports and are approximated numbers.

**NOTE:** There were no intakes into the Diversion Program during the month of April, 2011. However, in the month of May there was one (1) self referral and in the month of June there were two (2) probation referrals, totaling three (3) participant intakes for the quarter ending 06/30/2011.

The next DEC meeting is scheduled for September 1, 2011 in the Board's Sacramento Office.

**Dental Board of California  
Diversion Program  
Statistical Summary  
As of 06/30/2011**

	Current Quarter	Fiscal Year To Date	Program To Date
<b>I INTAKES INTO PROGRAM</b>			
1. Self Referral	1	1	24
2. Investigative Referral	0	3	61
3. Probation Referral	2	5	52
<b>Group Totals</b>	<b>3</b>	<b>9</b>	<b>137</b>
<b>II APPLICANTS INTERVIEWED BY EACH DEC</b>			
1. DBC Northern CA	3	4	51
2. DBC Southern CA	0	4	66
<b>Group Totals</b>	<b>3</b>	<b>8</b>	<b>117</b>
<b>III APPLICANTS ACCEPTED BY EACH DEC</b>			
1. DBC Northern CA	3	4	46
2. DBC Southern CA	0	4	53
<b>Group Totals</b>	<b>3</b>	<b>8</b>	<b>99</b>
<b>IV STATUS CHANGES IN PROGRAM</b>			
1. Closed	4	N/A	N/A
<b>V CLOSED CASES</b>			
1. Applicant Not Accepted by DEC	0	0	18
2. Applicant Public Risk	0	0	1
3. Applicant Withdrawn - Pre DEC	0	0	14
4. Clinically Inappropriate - Post DEC	0	0	6
5. Clinically Inappropriate - Pre DEC	0	0	7
6. Completed	3	6	65
7. No Longer Eligible - Post DEC	0	1	1
8. Terminated - Expired	0	0	3
9. Terminated - Failure to Receive Benefit	0	1	6
10. Terminated - Non Compliant	0	2	17
11. Terminated - Public Risk	0	1	15
12. Withdrawn - Post DEC	1	1	11
<b>Group Totals</b>	<b>4</b>	<b>12</b>	<b>164</b>
<b>VI PARTICIPANT POPULATION TOTALS</b>			
1. Active Participants at Beginning of Quarter	40		
2. Active Participants served this Quarter	42		
3. Active Participants at the End of the Quarter	39		
<b>VII RECIDIVISM, INTAKE OF KNOWN PRIOR PARTICIPANTS</b>			
Intake of Known Prior Participants	0	0	15
<b>VIII GENDER AT INTAKE</b>			
1. Female	1	2	43
2. Male	2	7	92
3. Unknown	0	0	2
<b>Group Totals</b>	<b>3</b>	<b>9</b>	<b>137</b>

	Current Quarter	Fiscal Year To Date	Program To Date
<b>IX AGE CATEGORY AT INTAKE</b>			
1. 20 - 24	0	0	2
2. 25 - 29	1	1	6
3. 30 - 34	0	0	12
4. 35 - 39	1	2	19
5. 40 - 44	0	1	23
6. 45 - 49	1	2	26
7. 50 - 54	0	1	20
8. 55 - 59	0	0	16
9. 60 - 64	0	2	9
10. 65 +	0	0	4
<b>Group Totals</b>	<b>3</b>	<b>9</b>	<b>137</b>
<b>X WORKSITE OF PRACTICE SETTING AT INTAKE</b>			
1. Dental	1	4	57
2. Doctor's Office	1	4	9
3. Group Practice - profit	0	0	1
4. Lab	0	0	1
5. Other	1	1	5
6. Private Practice	0	0	9
7. Undetermined	0	0	23
8. Unemployed	0	0	32
<b>Group Totals</b>	<b>3</b>	<b>9</b>	<b>137</b>
<b>XI SPECIALTIES AT INTAKE</b>			
1. Doctor's Office	1	6	58
2. HMO	0	0	1
3. Medical Surgical	0	0	1
4. Other	2	3	44
5. Undetermined	0	0	33
<b>Group Totals</b>	<b>3</b>	<b>9</b>	<b>137</b>
<b>XII PRESENTING PROBLEM AT INTAKE</b>			
1. Alcohol	1	4	27
2. Alcohol and Mental Illness	0	0	7
3. Alcohol and Mono Drug	0	1	19
4. Alcohol and Poly Drug	0	0	16
5. Alcohol, Mono Drug and Mental Illness	0	0	1
6. Alcohol, Poly Drug and Mental Illness	0	0	5
7. Mental Illness	0	0	2
8. Mono Drug	2	2	31
9. Mono Drug and Mental Illness	0	0	7
10. Poly Drug	0	1	13
11. Poly Drug and Mental Illness	0	1	7
12. Undetermined	0	0	2
<b>Group Totals</b>	<b>3</b>	<b>9</b>	<b>137</b>
<b>XIII SUBSTANCE USED DURING 12 MONTHS PRIOR TO INTAKE</b>			
Collection of statistical information for Substance began September 2004			
1. Coumadin	0	0	1
2. Aciphex	0	0	1
3. Advair Diskus	0	0	1
4. Alcohol	1	4	57
5. Aleve	1	1	11

	Current Quarter	Fiscal Yr To Date	Program To Date
6. Alprazolam (Xanax)	0	0	3
7. ASA	0	1	2
8. Aspirin	0	0	1
9. Atenolol (Tenormin)	1	2	5
10. Ativan	0	0	3
11. Benadryl (Diphenhydramine HCL)	1	1	3
12. Benazepril (Lotensin)	0	0	2
13. Benzodiazepenes Unspecified	0	0	1
14. Butalbital (Fiorinal, Esgic)	0	1	1
15. Celexa	0	0	1
16. Chlordiazepoxide (Librium)	0	0	1
17. Claritin	1	1	2
18. Cocaine	0	0	8
19. Codeine (Various Names)	0	0	2
21. Diazepam (Valium)	0	0	4
22. Folic Acid	0	0	1
23. Hydrocodone (Vicodin / Lortabs / Hycodan)	0	0	11
24. Ibuprofen	0	0	4
25. Lexapro	1	1	2
26. Lorazepam (Ativan)	0	0	1
27. Marijuana	0	1	8
28. Maxalt	0	0	1
29. Methadone and/or Metabolite	0	0	1
30. Methamphetamine	0	0	10
31. Morphine	0	0	2
32. Motrin	0	0	1
33. Nazoril	0	0	1
34. None	1	1	5
35. Norco	0	0	2
36. Other Opiates	0	0	1
37. Oxycodone (Oxycontin)	1	1	2
38. Oxycodone (Percodan, Percocet)	0	0	2
39. Percocet	0	0	1
40. Prevacid	0	0	1
41. Undetermined	0	0	12
42. Wellbutrin	1	1	2
43. Zolpidem Tartrate (Ambien)	0	0	3
<b>XIV MARITAL STATUS AT INTAKE</b>			
1. Divorced	1	2	28
2. Married	1	2	58
3. Remarried	0	0	3
4. Separated	0	1	5
5. Significant Other	0	0	3
6. Single	1	4	37
7. Undetermined	0	0	2
8. Widowed	0	0	1
<b>Group Totals</b>	<b>3</b>	<b>9</b>	<b>137</b>



## MEMORANDUM

<b>DATE</b>	July 13, 2011
<b>TO</b>	Enforcement Committee Dental Board of California
<b>FROM</b>	Kim A. Trefry, Enforcement Chief Dental Board of California
<b>SUBJECT</b>	<b>Agenda Item ENF 4: Enforcement Personnel Update</b>

**Complaint & Compliance Unit** There have been a number of personnel changes within the Complaint Unit. Two Staff Analysts and one Complaint Intake Technician promoted out of the unit in the past few months. Two new Analysts have transferred from the RDA program and are transitioning into their new role. The second Intake position remains unfilled at present.

**Investigative Analysis Unit** The Investigative Analysis Unit is now fully staffed. Staff Services Manager April Alameda has two Special Investigators, three Associate Government Program Analysts (AGPA's), and a Staff Services Analyst focused on quality of care, settlement cases, and conviction cases. Staff have visited a dental practice and clinical setting as a part of their orientation training and are participating in several "ride-alongs" with sworn investigators to observe probation and quality of care interviews and investigatory processes. Several of the new staff bring a depth of experience from several other health care boards which has been beneficial to the new unit. In addition, one analyst has a background in budgets and will be taking over responsibility for development of the monthly and quarterly board reports from the Enforcement Chief.

**Investigations** On June 10, 2011, the Board learned that our request for a hiring freeze exemption was approved. A total of four (4) sworn Investigator positions were requested and all four were granted. Since that time, both field offices have conducted interviews, performed reference checks, and are making final decisions to put sworn investigator candidates into the background phase. Backgrounds are estimated to take between 60 – 90 days to complete. Candidates may be required to attend a 16 week P.O.S.T.-certified academy.