



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

Monday, November 7, 2011

Upon Conclusion of Legislative and Regulatory Committee Meeting
Sportsmen's Lodge, 12825 Ventura Blvd.
Studio City, CA 91604
818-769-4700 or 916-263-2300

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 August 11, 2011 Enforcement Committee Meeting Minutes

ENF 2 – Enforcement Program – Statistics and Status

ENF 3 – Diversion Statistics

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**. 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, August 11, 2011

1625 North Market Blvd., 1st Floor Hearing Room, S-102
Sacramento, CA 95834

DRAFT

Members Present:

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

Members Absent:

Rebecca Downing, Public Member, Chair

Staff Present:

Richard DeCuir, Executive Officer
Kim A. Trefry, Enforcement Chief
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:

In Chair Downing's absence, Dr. Bettinger called the meeting to order at 5:12 p.m. and established a quorum.

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

M/S/C (Afriat/Le) to approve the Enforcement Committee meeting minutes of May 19, 2011. The motion passed unanimously.

ENF 2 – Enforcement Program – Statistics and Status:

Lori Reis, Complaint and Compliance Unit Manager, provided a statistical report for her unit. In the last twelve months, the Complaint Unit has received 3,684 complaints (approximately 307 complaints per months) and has closed 3,068 complaints (approximately 255 per month). In the past twelve months, it took an average of 103 days to close a complaint. As of June 30, 2011 the Complaint Unit had a total of 511 complaints pending review making the average caseload per Consumer Services Analyst 85. Ms. Reis reported the Complaint Unit is fully staffed with the exception of one complaint intake staff, which remains vacant due to the hiring freeze. Ms. Reis stated that she continues to conduct monthly case audits with her unit to ensure staff focus on their priority cases and that complaints are processed in a timely and efficient manner.

Kim Trefry, Enforcement Chief, provided a statistical report for the Board's investigation program. For FY 2010/11, a total of 1,037 cases have been closed, filed with the Attorney General's Office or filed with the District/Office Attorney; this is a 58% increase from the previous fiscal year. The average number of days an investigation took to complete within FY 2010/11 was 401 days; this is a 25% decrease from the previous fiscal year's average. It takes an average of 13 months from the receipt of a complaint to the closure of an investigation file. Ms. Trefry reported that there are currently 963 open investigations, 295 probation cases, and 108 open inspection cases. The average caseload per investigator is 39; the average caseload per analyst is 58; the average caseload per inspector is 54; and the current cases pending assignment is 66.

Ms. Trefry reported that the Investigation supervisors met in May 2011 to review the backlog of unassigned cases and come up with strategies to address the challenges. Staff re-evaluated the case assignments between the various state classifications in use by the Enforcement program and developed case criteria to better distribute the workload among the existing staff. The number of unassigned cases has been reduced to 66 (as of June 30, 2011).

Ms. Trefry stated that the Investigative Activity Reporting (IAR) program has been in use for eight months and provided charts showing the number of case hours worked in the most commonly reported investigation categories. The majority of investigative time as dedicated to Negligence/Incompetence cases (53%), while the next two highest categories of case time were spent working Criminal Conviction cases (13%) and investigating Unlicensed Practice cases (9%). Ms. Trefry informed the Board that of the cases closed during this time period, approximately 28% were referred to the Attorney General's Office for administrative action and another 3% were referred for criminal prosecution. In May 2011, the IAR program began recording Probation Monitoring time in addition to investigation times. Ms. Trefry reported that staff spend approximately 7% of their investigative time performing probation monitoring tasks.

Ms. Trefry reported that the staff continues to send out Consumer Satisfaction Surveys with all closure letters; however there is a lack of response. Staff has only received seven survey responses from the last 950 closures.

Director Brian Stiger, Department of Consumer Affairs, commended the Board on their improved enforcement statistics.

ENF 3 – Diversion Statistics:

Lori Reis, Diversion Program Manager, provided the Board with statistics and reported that there were no intakes into the Diversion Program during the month of April 2011. However, there was one self-referral intake in May and two probation referrals in the month of June, totaling three participant intakes for the quarter ending June 30, 2011. Ms. Reis reported that the next Diversion Evaluation Committee meeting is scheduled for September 1, 2011 in Sacramento.

ENF 4 – Enforcement Personnel Update:

Ms. Trefry provided an update on enforcement personnel. 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. 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. On June 10, 2011, the Board learned that the 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.

Public Comment:

There was no additional public comment.

Adjournment:

The meeting adjourned at 5:28 p.m.



DENTAL BOARD OF CALIFORNIA
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MEMORANDUM

DATE	October 17, 2011
TO	Enforcement Committee Dental Board of California
FROM	Kim A. Trefry, Enforcement Chief Dental Board of California
SUBJECT	Agenda Item ENF 2: Enforcement Program Statistics and Status

Attached please find Complaint Intake and Investigation statistics for the previous 12 month period. Below is a summary of some of the program's trends:

Complaint & Compliance Unit

Complaints Received: The total number of complaint files received during the previous 12 months was 3601, averaging 234 per month.

Pending Cases (as of 09/30/11): **535**

Average caseload per Consumer Services Analyst (CSA) = 93 cases
 Cases pending assignment = 0

Chart 1 - Case Aging (as of 09/30/11)

0-3 Months	464	86%
4-6 Months	45	8%
7-9 Months	23	4%
10-12 Months	3	>1%
1-2 Years	0	0%

Chart 2 - Cases Closed: The total number of complaint files closed during the same time period was 2813, averaging 255 per month. The average number of days a complaint took to close within the last 12 months was 87 days.

Charts 3 & 4 – Allegation Types These charts provide a breakdown of open and closed complaints by allegation type.

Staffing: The Complaint Unit currently has two (2) vacancies, one (1) CSA Limited Term and one (1) Office Technician (OT) intake position. In addition, the Unit recently lost one (1) CSA staff member to another Board and that vacant position was filled with

a CSA who was working out of blanket funding. This resulted in the permanent decrease of one (1) CSA currently working in the Unit. Recruitment for the OT vacancy is currently in process.

Investigation Offices

Current Open Caseload (As of 10/1/11)

There are currently approximately **859** open investigative cases, **283** probation cases, and **85** open inspection cases.

Average caseload per full time Investigator = 42

Average caseload per Special Investigator/Analyst = 45.5

Average caseload per Inspector = 42.5

Cases pending assignment = 16

Chart 5 - Case Aging (As of 10/1/11)

0 – 3 Months	101	11%
3 – 6 Months	165	18%
6 – 12 Months	246	27%
1 – 2 Years	288	32%
2 – 3 Years	91	10%
3+ Years	7	1%

Since our last report (August 2011), there has been a slight increase in the percentage of cases over 1 year old (from 40% to 45%). This can be attributed to a combination of efforts towards our highest priority consumer harm cases and a continued focus on closing our oldest cases. Overall, the percentage of cases over one year old continues to decrease from 53% to 45% during the last 12 month period. The number of cases in the oldest category (3 years and older) continues to decrease, with only 7 cases remaining.

Chart 6 - Case Closures The total number of investigation cases closed, filed with the Attorney General's Office or filed with the District/City Attorney during the last 12 months is **1192**. This is a 75% increase from the previous year. The average number of days an investigation took to complete within the last 12 months was **383 days**. This is a 20% decrease from the previous year's average.

Charts 7 & 8 – Allegation Types These charts provide a breakdown of open and closed investigations by allegation type.

Chart 9 – Unassigned Caseload Over the past 12 month period, the overall number of unassigned investigations has been reduced from 330 to 16; a 95% decrease. The attached chart provides a breakdown of the age of the unassigned caseload.

Charts 10 & 11 – Cases Referred for Discipline The total number of cases referred to the Attorney General's office during the past 12 months was **145**, averaging 12 per month. The average number of days for a disciplinary case to be completed was **1055** days.

Investigative Activity Reporting (IAR) Update The IAR program has now been in use for approximately nine (9) months. The IAR program records investigative time spent performing various case and probation monitoring tasks, as well as the type of closure when the work is completed. Attached are two charts to demonstrate some of the internal data that is used by the Enforcement program managers.

The Case Closure attachment shows the percentage of cases closed in the designated closure categories. The majority (**59%**) of our cases are closed Insufficient Evidence. This is typically the result when a complaint alleging negligent or incompetent treatment is reviewed by a Subject Matter Expert, and is found to be a simple act of negligence. Of the cases closed during this time period, approximately **24%** were referred to the Attorney General's Office for administrative action. Another **2%** were referred for criminal prosecution.

The Case Category attachment displays the number of case hours dedicated to different allegations being investigated or licensees being monitored. This report shows the majority (**39%**) of our investigative effort is dedicated to Negligence/Incompetence cases. The next two highest categories of case time were spent working Criminal conviction cases (**14%**) and investigating Unlicensed Practice (**3%**).

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. This percentage has remained consistent since our last reporting period.

Consumer Satisfaction Survey The Department provided the Board with survey results for the first quarter performance measure (July - September). With approximately 875 case closures during this three month period, only eleven 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 ENFORCEMENT ACTIVITY - DENTAL BOARD OF CALIFORNIA
October 2010 - September 2011

COMPLAINT UNIT	Charts	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	YTD
Initial Pending	1, 3	922	861	790	744	804	694	681	757	609	511	541	553	
Total Received		245	231	305	335	388	349	377	309	302	218	335	207	3601
Closed in Complaint Unit	2,4	236	245	277	260	214	259	212	275	299	123	238	175	2813
With Merit		67	65	77	48	35	72	64	127	167	53	108	70	953
w/o merit		169	180	200	212	179	187	148	148	132	70	130	105	1860
Referred for Investigation		68	57	72	51	284	129	66	181	114	89	86	78	1275
Pending at end of Period		861	790	744	754	694	681	757	609	511	541	553	518	
Unassigned at end of period		6	4	4	6	9	30	2	2	1	0	0	0	

INVESTIGATIONS	Charts	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	YTD
Initial Pending	5,7	814	812	829	652	820	1040	1069	990	970	963	974	918	
Assigned		386	385	460	381	546	759	820	747	737	897	906	884	
Unassigned		428	427	369	271	274	281	249	243	233	66	68	34	
Total Received from Complaint Unit		68	57	72	51	284	134	66	181	100	89	86	78	1266
Closed in Current Month	6,8	72	40	60	72	64	105	132	201	107	78	142	119	1192
With Merit		56	40	44	63	54	62	71	185	92	63	106	107	943
w/o Merit		16	0	16	9	10	43	61	16	15	15	36	12	249
Referred to AG		15	9	11	18	15	19	15	20	11	11	7	13	164
Referred for Criminal		0	2	0	0	0	1	0	4	1	1	0	3	12
Pending at end of period		812	829	652	820	1040	1069	990	970	963	974	918	877	
Assigned		385	499	331	546	759	820	747	737	897	906	884	861	
Unassigned	9	427	330	321	274	281	249	243	233	66	68	34	16	

STATISTICAL SUMMARY OF ENFORCEMENT ACTIVITY - DENTAL BOARD OF CALIFORNIA
October 2010 - September 2011

ATTORNEY GENERAL	Charts	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	YTD
Initial Pending		174	182	189	176	177	181	193	192	198	192	193	201	
Referrals from Investigations		15	9	11	18	15	19	15	20	11	11	7	13	149
Referred to the AG	10	17	12	9	5	13	19	12	18	10	5	15	14	132
Accusations Filed		9	5	2	9	10	9	7	11	7	9	10	4	83
Statement of Issues Filed		0	2	2	2	4	0	0	2	0	4	1	1	18
Petition to Revoke		0	1	0	3	0	2	1	4	0	3	0	6	20
Surrender of License		0	1	1	2	0	1	0	0	2	1	0	2	10
Cases Closed	11	7	7	7	12	9	6	6	7	15	8	7	10	94
Pending at end of period		182	183	176	177	181	193	192	198	192	193	201	198	

10/1/2011

**Statistical Summary of Complaint Age
October 2010 - September 2011**

Chart 1 - Open Complaints by Age

Breakdown by Age	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11
0 - 3 Months	662	614	630	684	639	604	699	505	443	444	481	464
4-6 Months	83	105	86	95	46	55	61	109	65	71	56	45
7-9 Months	77	34	17	16	13	22	18	12	3	20	18	23
10-12 Months	31	35	29	13	6	0	0	5	0	3	2	3
1-2 Years	6	5	3	7	5	0	0	0	0	1	2	0
2-3 Years	2	0	0	0	0	0	0	0	0	0	0	0
3+ Years	0	0	0	0	0	0	0	0	0	0	0	0
Total*	861	793	765	815	709	681	778	631	511	539	559	535

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

Chart 2 - Closed Complaints by Age

Breakdown by Age	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	YTD
0 - 3 Months	130	115	139	155	124	157	138	220	191	93	179	124	1765
3-6 Months	57	57	79	72	69	91	57	53	107	29	52	42	765
6-12 Months	43	55	57	29	16	7	15	2	1	3	9	8	245
1-2 Years	7	17	2	5	4	4	2	0	0	0	0	1	42
2-3 Years	0	1	0	0	0	0	0	0	0	0	0	0	1
3+ Years	0	0	0	0	0	0	0	0	0	0	0	0	0
Total*	237	245	277	261	213	259	212	275	299	125	240	175	2818

Statistical Summary of Complaint Categories
October 2010 - September 2011

Chart 3 - Open Complaints by Allegation Type

Allegation	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11
Fraud (F)	65	64	61	61	88	118	149	107	30	7	15	5
Non-Jurisdictional (J)	36	19	17	15	15	15	16	12	9	13	26	20
Incompetence/Negligence (N)	591	554	508	485	449	416	392	372	360	94	158	124
Other (O)	24	21	13	15	23	24	21	21	31	27	32	18
Unprofessional Conduct (R)	86	84	70	62	51	37	29	29	22	12	36	22
Sexual Misconduct (S)	0	1	1	0	0	0	0	0	0	3	0	1
Unlicensed/Unregistered (U)	8	6	5	9	3	3	5	5	6	6	15	15
Drug Related Offenses (D)	0	0	2	0	2	0	1	0	1	2	4	1
Criminal Charges (V)	73	66	100	154	58	30	147	68	55	46	42	18
Unsafe/Unsanitary Conditions (E)	6	4	2	1	3	7	3	2	3	7	5	4
Discipline by Another State (T)	3	2	0	1	0	0	0	0	0	1	1	0
Substance Abuse, Mental/Physical Impairment (A)	0	1	2	1	2	0	0	0	0	0	1	0
Total*	892	822	781	804	694	650	763	616	517	218	335	228

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

Statistical Summary of Complaint Categories
October 2010 - September 2011

Chart 4 - Closed Complaints by Allegation Type

Allegation	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	YTD Totals
Fraud (F)	12	22	13	14	9	15	10	53	84	4	9	5	250
Non-Jurisdictional (J)	47	34	23	46	28	31	27	42	24	6	28	21	357
Incompetence/Negligence (N)	126	136	178	139	141	169	133	140	121	87	114	84	1568
Other (O)	13	8	14	9	4	14	10	11	21	8	27	27	166
Unprofessional Conduct (R)	21	22	34	37	19	24	18	9	9	5	10	8	216
Sexual Misconduct (S)	0	0	0	0	0	0	0	0	0	1	0	0	1
Unlicensed/Unregistered (U)	1	1	1	1	7	1	1	3	3	1	0	1	21
Drug Related Offenses (D)	1	0	1	0	1	0	0	1	0	0	0	1	5
Criminal Charges (V)	11	17	5	8	0	0	2	11	33	7	45	23	162
Unsafe/Unsanitary Conditions (E)	7	5	7	7	4	4	11	5	4	6	8	5	73
Discipline by Another State (T)	0	0	1	0	1	0	0	0	0	0	0	0	2
Sub. Abuse, Mental/Physical Impairment (A)	0	0	0	0	0	1	0	0	0	0	0	0	1
Total	239	245	277	261	214	259	212	275	299	125	241	175	2822

**Statistical Summary of Investigation Age
October 2010 - September 2011**

Chart 5 - Open Investigations by Age

Breakdown by Age	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11
0 - 3 Months	63	49	47	68	237	264	141	152	202	149	133	101
3 - 6 Months	107	105	113	87	127	143	193	187	182	194	170	165
6 - 12 Months	219	223	261	264	272	244	266	252	205	249	242	246
1 - 2 Years	271	265	264	256	260	275	268	265	271	290	296	288
2 - 3 Years	117	118	137	147	140	142	131	124	123	111	92	91
3+ Years	38	29	23	21	16	10	13	14	9	13	11	7
Total	815	789	845	843	1052	1078	1012	994	992	1006	944	898

Chart 6 - Closed Investigations by Age

Breakdown by Age	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	YTD
0 - 3 Months	27	8	9	11	8	18	67	65	27	8	25	12	285
3 - 6 Months	8	2	9	4	3	12	14	56	22	14	39	31	214
6 - 12 Months	9	8	10	20	8	14	13	24	20	23	33	24	206
1 - 2 Years	12	10	16	11	21	31	12	14	21	15	17	37	217
2 - 3 Years	9	7	9	16	18	22	21	37	12	16	20	12	199
3+ Years	7	5	7	10	5	8	0	4	5	2	8	3	64
Total	72	40	60	72	63	105	127	200	107	78	142	119	1185

*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
October 2010 - September 2011**

Chart 7 - Open Investigations by Allegation Type

Allegation	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11
Substance Abuse, Mental/Physical Impairment (A)	10	8	9	9	8	8	8	7	5	6	6	6
Drug Related Offenses (D)	30	27	23	25	25	26	28	25	28	25	31	24
Unsafe/Unsanitary Conditions (E)	7	7	6	5	5	6	4	4	4	4	6	4
Fraud (F)	50	52	49	49	60	58	64	63	62	63	66	60
Non-Jurisdictional (J)	1	1	1	1	1	0	1	1	1	1	1	1
Incompetence/Negligence (N)	378	391	409	399	396	396	397	385	372	355	372	347
Other (O)	49	47	47	44	43	41	45	41	38	39	35	39
Unprofessional Conduct (R)	76	84	82	75	89	88	86	87	89	87	84	88
Sexual Misconduct (S)	12	12	13	17	17	16	13	13	10	11	12	10
Discipline by Another State (T)	52	51	52	50	46	31	31	31	31	33	32	29
Unlicensed/Unregistered (U)	96	96	87	85	96	97	98	103	100	112	106	109
Criminal Charges (V)	54	56	66	64	258	306	236	235	248	214	259	182
Total	815	832	844	823	1044	1073	1011	995	988	950	1010	899

**Statistical Summary of Investigation Categories
October 2010 - September 2011**

Chart 8 - Closed Investigations by Allegation Type

Allegation	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11
Substance Abuse, Mental/Physical Impairment (A)	0	2	0	2	2	1	1	1	2	1	0	0
Drug Related Offenses (D)	2	4	5	2	2	1	2	3	1	9	2	1
Unsafe/Unsanitary Conditions (E)	0	0	1	1	1	0	2	1	0	3	1	1
Fraud (F)	0	1	4	4	2	3	1	5	5	7	3	4
Non-Jurisdictional (J)	0	0	0	0	0	1	0	0	0	0	0	0
Incompetence/Negligence (N)	29	10	20	27	29	32	27	47	33	37	24	35
Other (O)	4	3	2	7	4	5	1	5	6	11	6	5
Unprofessional Conduct (R)	7	2	8	10	2	10	7	7	4	8	8	16
Sexual Misconduct (S)	2	3	0	0	0	1	4	0	3	1	0	2
Discipline by Another State (T)	0	3	1	2	4	15	0	0	0	0	0	5
Unlicensed/Unregistered (U)	2	6	15	11	6	9	7	10	10	8	8	9
Criminal Charges (V)	24	6	4	6	11	27	75	119	43	57	26	41
Total	70	40	60	72	63	105	127	198	107	142	78	119

Unassigned Investigations by Case Age

October 2010 - September 2011

Chart 9

Breakdown by Age	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11
0 - 3 Months	N/A	16	15	16	22	21	23	24	5	14	2	2
3 - 6 Months	N/A	42	34	21	26	27	24	20	10	10	3	1
6 - 12 Months	N/A	104	125	114	102	56	62	62	9	6	1	0
1 - 2 Years	N/A	122	122	102	105	122	103	102	34	33	26	12
2 - 3 Years	N/A	43	24	19	23	21	29	22	4	2	1	1
3 + Years	N/A	3	1	2	3	2	2	3	3	3	1	0
Total		330	321	274	281	249	243	233	65	68	34	16

N/A - Information not available

**Disciplinary Referrals by Category
October 2010 - September 2011**

Chart 10 - Disciplinary Referrals by Category

Allegation	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	YTD
Cases referred to the Attorney Generals Office	17	12	10	5	13	19	7	18	10	5	15	14	145
Accusations Filed	9	5	2	9	10	9	7	11	7	8	10	4	91
Statement of Issues Filed	0	2	2	2	4	0	0	2	0	4	1	1	18
Petition for Reinstatement	1	0	0	0	2	1	0	2	0	0	0	1	7
Petition to Revoke Probation	2	1	0	3	0	1	0	1	0	1	1	1	11
Petition for Early Termination of Probation	2	0	1	0	1	0	0	0	0	1	0	0	5
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	2	0	1	0	0	1	0	1	0	0	1	6

**Disciplinary Actions Taken
October 2010 - September 2011**

Chart 11 - Disciplinary Actions

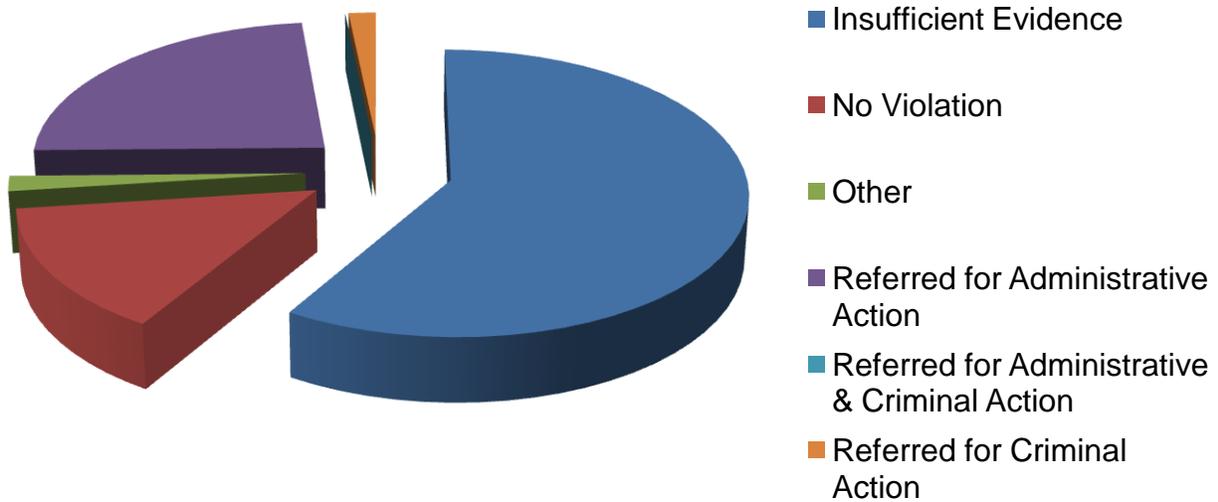
Allegation	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	YTD
Probation	5	2	4	8	6	2	5	6	6	5	2	2	53
Suspension	2	0	0	1	0	0	0	0	0	0	1	1	5
Revocation	1	3	2	1	0	2	4	5	6	2	1	1	28
Public Reprimand	1	1	1	1	1	1	0	0	1	0	3	2	12
License Denial	0	0	0	0	1	0	0	0	0	0	0	2	3
License Surrender	0	1	1	2	0	1	0	0	2	1	0	2	10
Interim Suspension Order/PC23	0	1	0	1	0	0	1	0	0	0	0	1	4
Other*	0	3	0	2	1	0	3	2	3	3	1	5	23
No Discipline	1	3	0	0	0	0	2	5	3	1	1	2	18
Accusation Withdrawn	1	0	1	0	0	2	0	1	0	0	0	2	7
Accusation Dismissed	0	0	0	0	0	0	0	0	0	0	0	0	0
Accusation Declined	0	1	0	0	0	0	0	2	0	0	0	0	3

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

Investigator Activity Report
Hours Worked by Closure Category

Case Closure Categories	Case Hours	# of Cases	% of Total
Insufficient Evidence	2465	418	59%
No Violation	599.5	80	14%
Other	72.5	1	2%
Referred for Administrative Action	993	130	24%
Referred for Administrative & Criminal Action	0	0	0%
Referred for Criminal Action	69	7	2%
Total	4199	636	100%

Hours Worked by Closure Category

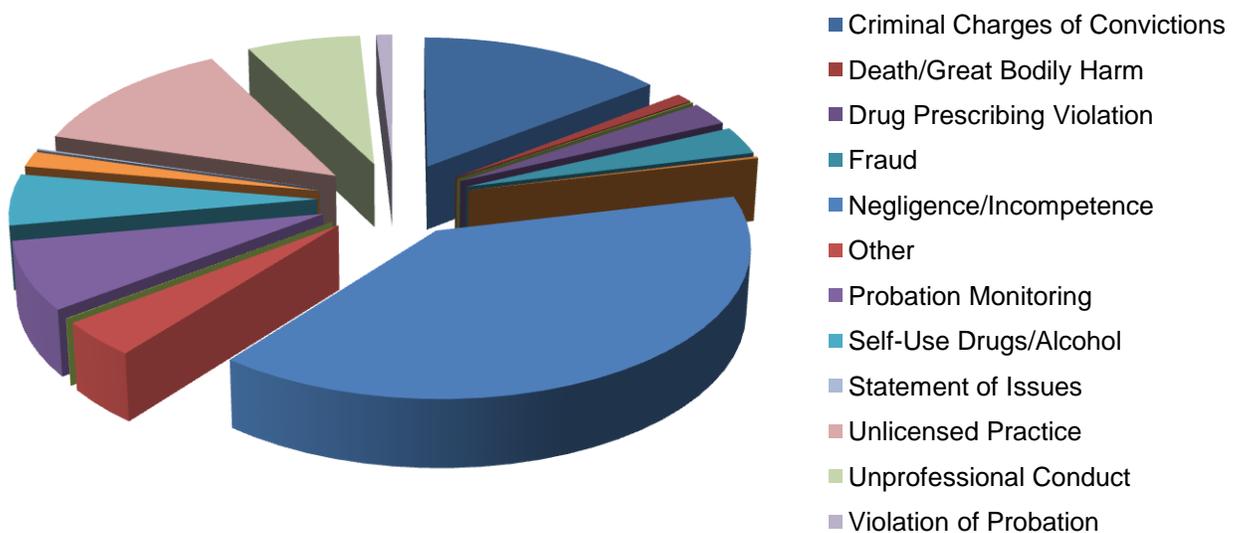


Investigator Activity Reporting System (IAR)
Hours Worked by Case Type

Case Categories	Case Hours	# of Cases	% of Total
Aid/Abet Unlicensed Activity	27	4	0%
Criminal Charges of Convictions	1725	429	14%
Death/Great Bodily Harm	120	10	1%
Discipline by Another State	11	3	0%
Drug Prescribing Violation	299	23	3%
Fraud	364	64	3%
Mental/Physical Illness	27	4	0%
Negligence/Incompetence	4684	568	39%
Other	471	59	4%
Patient Abandonment	5	1	0%
Probation Monitoring	895	161	7%
Self-Use Drugs/Alcohol	666	45	6%
Sexual Misconduct	202	21	2%
Statement of Issues	20	2	0%
Unlicensed Practice	1526.5	156	13%
Unprofessional Conduct	794	98	7%
Violation of Probation	111	10	1%
Totals	11947.5	1658	100%

12/02/2010 - 9/30/2011

**Hours Worked by
Case Type**





MEMORANDUM

DATE	October 17, 2011
TO	Enforcement Committee Members Dental Board of California
FROM	Lori Reis, Manager Dental Board of California
SUBJECT	Agenda Item ENF 3: Diversion Statistics

Attached are the Diversion Program statistics for quarter ending 09/30/2011. 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 was one (1) investigative referral into the Diversion Program during the month of July, 2011. During the month of August, there were one (1) self, one (1) investigative and one (1) probation referral. During the month of September, there was one (1) investigative referral, totaling five (5) participant intakes for the quarter ending 09/30/2011.

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

**Dental Board of California
Diversion Program
Statistical Summary
As of 09/30/2011**

	Current Quarter	Fiscal Year To Date	Program To Date
I INTAKES INTO PROGRAM			
1. Self Referral	1	1	27
2. Investigative Referral	3	3	61
3. Probation Referral	1	1	54
Group Totals	5	5	142
II APPLICANTS INTERVIEWED BY EACH DEC			
1. DBC Northern CA	1	1	52
2. DBC Southern CA	4	4	70
Group Totals	5	5	122
III APPLICANTS ACCEPTED BY EACH DEC			
1. DBC Northern CA	1	1	47
2. DBC Southern CA	4	4	57
Group Totals	5	5	104
IV STATUS CHANGES IN PROGRAM			
1. Closed	3	NA	NA
V CLOSED CASES			
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	2	2	67
7. No Longer Eligible - Post DEC	0	0	1
8. Terminated - Expired	0	0	3
9. Terminated - Failure to Receive Benefit	0	0	6
10. Terminated - Non Compliant	0	0	17
11. Terminated - Public Risk	1	1	16
12. Withdrawn - Post DEC	0	0	11
Group Totals	3	3	167
VI PARTICIPANT POPULATION TOTALS			
1. Active Participants at Beginning of Quarter	39		
2. Active Participants served this Quarter	44		
3. Active Participants at the End of the Quarter	41		
VII RECIDIVISM, INTAKE OF KNOWN PRIOR PARTICIPANTS			
Intake of Known Prior Participants	1	1	16
VIII GENDER AT INTAKE			
1. Female	3	3	46
2. Male	2	2	94
3. Unknown	0	0	2
Group Totals	5	5	142

	Current Month	Fiscal Year To Date	Program To Date
IX AGE CATEGORY AT INTAKE			
1. 20 - 24	0	0	2
2. 25 - 29	0	0	6
3. 30 - 34	1	1	13
4. 35 - 39	0	0	19
5. 40 - 44	1	1	24
6. 45 - 49	2	2	28
7. 50 - 54	1	1	21
8. 55 - 59	0	0	16
9. 60 - 64	0	0	9
10. 65 +	0	0	4
Group Totals	5	5	142
X WORKSITE OF PRACTICE SETTING AT INTAKE			
1. Dental	2	2	59
2. Doctor's Office	2	2	11
3. Group Practice - profit	0	0	1
4. Lab	0	0	1
5. Other	1	1	6
6. Private Practice	0	0	9
7. Undetermined	0	0	23
8. Unemployed	0	0	32
Group Totals	5	5	142
XI SPECIALTIES AT INTAKE			
1. Doctor's Office	4	4	62
2. HMO	0	0	1
3. Medical Surgical	0	0	1
4. Other	1	1	45
5. Undetermined	0	0	33
Group Totals	5	5	142
XII PRESENTING PROBLEM AT INTAKE			
1. Alcohol	0	0	27
2. Alcohol and Mental Illness	0	0	7
3. Alcohol and Mono Drug	1	1	20
4. Alcohol and Poly Drug	2	2	18
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	1	1	32
9. Mono Drug and Mental Illness	0	0	7
10. Poly Drug	0	0	13
11. Poly Drug and Mental Illness	1	1	8
12. Undetermined	0	0	2
Group Totals	5	5	142
XIII SUBSTANCE USED DURING 12 MONTHS PRIOR TO INTAKE			
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	1	58
5. Aleve	0	0	11

	Current Month	Fiscal Yr To Date	Program To Date
6. Alprazolam (Xanax)	1	1	4
7. ASA	0	0	2
8. Aspirin	1	1	2
9. Atenolol (Tenormin)	0	0	5
10. Ativan	0	0	3
11. Benadryl (Diphenhydramine HCL)	0	0	3
12. Benazepril (Lotensin)	0	0	2
13. Benzodiazepenes Unspecified	0	0	1
14. Butalbital (Fiorinal, Esgic)	0	0	1
15. Celexa	0	0	1
16. Chlordiazepoxide (Librium)	0	0	1
17. Claritin	0	0	2
18. Cocaine	0	0	8
19. Codeine (Various Names)	0	0	2
21. Diazepam (Valium)	0	0	4
22. Folic Acid	1	1	2
23. Hydrocodone (Vicodin / Lortabs / Hycodan)	0	0	11
24. Ibuprofen	2	2	6
25. Lexapro	0	0	2
26. Lorazepam (Ativan)	0	0	1
27. Marijuana	1	1	9
28. Maxalt	0	0	1
29. Methadone and/or Metabolite	0	0	1
30. Methamphetamine	1	1	11
31. Morphine	0	0	2
32. Motrin	1	1	2
33. Nazoril	0	0	1
34. None	0	0	5
35. Norco	0	0	2
36. Other Opiates	0	0	1
37. Oxycodone (Oxycontin)	0	0	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	0	0	2
43. Zolpidem Tartrate (Ambien)	0	0	3
XIV MARITAL STATUS AT INTAKE			
1. Divorced	3	3	31
2. Married	2	2	60
3. Remarried	0	0	3
4. Separated	0	0	5
5. Significant Other	0	0	3
6. Single	0	0	37
7. Undetermined	0	0	2
8. Widowed	0	0	1
Group Totals	5	5	142