



**Enforcement Committee
Meeting Minutes**

Thursday, August 11, 2011

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

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.