

# **DENTAL BOARD OF CALIFORNIA**

## **REPORT ON THE DENTAL BOARD OF CALIFORNIA'S ENFORCEMENT PROGRAM**



**REPORT PREPARED BY:  
DENTAL BOARD OF CALIFORNIA  
2005 EVERGREEN STREET, SUITE 1550  
SACRAMENTO, CALIFORNIA 95815  
TELEPHONE: (916) 263-2300  
FAX: (916) 263-2140**

## Introduction

The Dental Board of California (Board) is submitting this report on the Enforcement Program pursuant to Item 1110-001-0741 of Section 2 of the Budget Act of 2007. This is a onetime report.

In FY 2007/08, Board received Budget Change Proposal (BCP) approval allocating permanent funding for 4.0 PY investigator positions.

The BCP was written in response to recommendations received from a series of Enforcement Monitor reports that were prepared pursuant to Senate Bill 26 (Figueroa). These reports identified staffing deficiencies which were contributing to case aging and limiting the Board's ability to serve its consumer protection role. The report recommended the Board pursue additional funding to increase the number of sworn staff to focus on these concerns.

Upon approval, the Board received and advertised to fill four (4) sworn investigator positions; two in Northern California, and two in Southern California.

Three of the four positions were filled during the first fiscal year and remained filled until 2008/2009. Several staff transfers have resulted in ongoing vacancies within the sworn enforcement ranks. Active recruitment efforts by management have filled all but two positions. The current Governor's order restricting hiring has prevented additional hiring from taking place.

These positions were intended to address to two critical areas: 1) Investigator Caseload and 2) Average length of time required to close investigations.

### Caseload Per Investigator

The Enforcement Monitor reports evaluated the Board's Enforcement Programs and noted that the Board's eight investigators were carrying a caseload ranging from 57 cases per investigator in 2001/2002 to about 36.5 cases in 2003/2004 (still higher than a desired level of 30 to 35 cases per investigator).

Table 1 shows the average caseload per investigator before and following the staffing augmentation to the Enforcement Program:

**Table 1 – Caseload Per Investigator**

<b>Fiscal Year</b>	2003/04	2004/05	2005/06	2006/07	2007/08*	2008/09	2009/10
<b>Caseload Per Investigator</b>	36.5	33	37	50	48	58	47

\*First year of staffing augmentation from 9 to 13 investigator positions.

Staffing vacancies in the year following the position allocation combined with an increase in the number of cases referred for investigation has caused caseloads to continue to grow (Table 2).

**Table 2 – Cases Referred to Investigation**

<b>Fiscal Year</b>	2003/04	2004/05	2005/06	2006/07	2007/08*	2008/09	2009/10
<b># of Cases</b>	587	403	487	687	856	756	764

**Average length of time required to close investigations**

The Dental Board’s established goal for completing investigations is 6 months (182 days). In referring to the Enforcement Monitor’s assessment, “an average of about 10 months (299 days) was needed to complete complaint investigations” during FY2001/02. A focused effort over the next two fiscal years on a number of backlogged cases reduced the time to 249 days (approximately 8 months). Table 3 further illustrates the current average timeframes following the increase in staff from the Budget Act of 2007/08.

**Table 3 – Average Closure rate of Complaint Investigations (In Days)**

	<b>FY 2006/07</b>	<b>FY 2007/08</b>	<b>FY 2008/09</b>	<b>FY 2009/10</b>
<b>Complaint Processing</b>	238	280	278	180
<b>Investigations</b>	247	211	302	351

**Staffing Analysis:** The Enforcement Monitor’s report recommended the Board pursue “a credible analysis of the Enforcement Program’s staffing requirements...to provide a basis for reclassification of existing positions...or for requesting new positions.” Beyond the analysis, specific staffing recommendations included: 1) the addition of a day-to-day supervisor for the Sacramento Complaint Unit, 2) additional investigator positions for the Tustin (now Orange) office, and 3) an additional supervisory Investigator position for the Sacramento office.

The Enforcement Monitor’s report also acknowledged the Board’s “capability to address these needs is being adversely impacted by staff turnover and the hiring freeze. Also, given the current environment, it is unclear how much utility there would be in completing an analysis of the Enforcement Program’s staffing requirements since there is little likelihood that the Dental Board will be able to obtain necessary oversight agency approvals needed to implement whatever recommendations result from the study.”

To date, a comprehensive study has not been completed on the Board's staffing requirements. However, the Enforcement Monitor's recommendations have served as the basis for the Board's efforts to expand staffing levels, resulting in the following enhancements to the program:

Supervising Investigator I – Second position added to manage the Sacramento office beginning in FY2009/10.

Senior Investigator/Investigator – Four (4) positions added in conjunction with Budget Act of 2007/2008. Positions divided between the two regional offices.

Associate Government Program Analyst (AGPA) – Four (4) positions added to the Complaint Unit.

Staff Services Analyst – Two (2) positions added to the Complaint Unit.

Office Technicians – Three (3) positions added to the Complaint Unit.

		Fiscal Year								
		2006/07		2007/08		2008/09		2009/10		
Classification		Positions	Vacancies	Positions	Vacancies	Positions	Vacancies	Positions	Vacancies	
Enforcement Program Staff	Mgmt	Supervising Investigator II	1	0	1	0	1	1	1	1
		Supervising Investigator I	1	0	1	0	1	0	2	0
		Staff Services Manager	1	0	0	0	1	0	1	0
	Field	Senior Investigator	7	0	9	3	8	0	8	3
		Investigator	2	0	4	2	6	0	5	2
		Inspector I/II	5	0	3	0	2	0	3	0
		Dental Consultant	1	0	1	0	1	0	1	0
	Support	Associate Govt Program Analyst	1	0	3	0	3	0	4	0
		Staff Services Analyst	4	0	5	0	6	0	6	1
		Office Technician/Office Asst	3	0	4	0	7	1	6	0
	Total Sworn Staff		11	0	15	5	16	1	16	7
	Total Non-Sworn Staff		15	0	16	0	20	1	21	1
Total Enforcement PYs		26	0	31	5	36	2	37	8	

In October 2010, the Board received an additional augmentation from the Department's Consumer Protection Enforcement Initiative (CPEI) to further assist the Boards and Bureaus with case aging concerns. This new unit, consists of a Staff Services Manager I, and three AGPAs, and will eventually include three additional non-sworn Special Investigators. This unit will be charged with working the lower priority quality of care complaints which have continued to age while sworn staff focused on criminal allegations, consumer harm, and complex quality of care cases.