

MEMORANDUM

DATE	August 1, 2016
TO	Board Members
FROM	Sandra Monterrubio, Enforcement Program Manager Board of Psychology
SUBJECT	Agenda item 7, Enforcement Board Report

Please find attached the Overview of Enforcement Activity displaying complaint, investigation, and discipline statistics for the previous five fiscal years, and the current fiscal year to date.

On August 1, 2016, Denise Russell, Special Investigator, resigned from the Board and accepted a position with the Department of Managed Health Care. The Board has posted the Special Investigator position with the California Department of Human Resources and anticipates a new hire will join the Enforcement team by the end of August or beginning of September.

In June 2016, David Chriss, Chief of the Division of Investigation (DOI) and Kathleen Nicholls, Deputy Chief, of Health Quality Investigation Unit (HQIU) met with the Executive Officer and Board staff to discuss the proposal to allocate cases from HQIU to DOI. Chief Chriss and Deputy Chief Nicholls explained that HQIU was experiencing staff shortages throughout their 15 field offices. As a result Board investigations could be prolonged, taking 24 months to complete. Chief Chriss explained that DOI could complete Board cases within 6-12 months, on average. Board staff agreed to a one-year pilot program to assign cases to DOI. The pilot program began July 1, 2016.

COMPLAINT PROGRAM

Since July 1, 2016, the Board of Psychology has received 83 complaints. Of those complaints, 35 were submitted online. All complaints received are opened and assigned to an enforcement analyst within eight (8) days of receipt.

CITATION PROGRAM

Since July 1, 2016, one (1) enforcement citation has been served. Citation and fines are issued for minor violations that do not require formal discipline. For example, false or

misleading advertising, and minor record keeping violations are considered minor violations.

DISCIPLINE PROGRAM

There are 16 cases pending at the Office of the Attorney General. Of the 16 cases, one (1) has been sent over since July 1, 2016.

PROBATION PROGRAM

Enforcement staff is currently monitoring 49 probationers.

Action Requested

This item is for informational purposes only. No action is required.

BOARD OF PSYCHOLOGY
Overview of Enforcement Activity

License & Registration	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	*16/17
Psychologist	20,307	21,019	21,527	22,020	22,688	****	20,575	20,024	20,216
Registered Psychologist	324	320	312	320	349	****	280	278	257
Psychological Assistant	1,397	1,429	1,507	1,635	1,727	****	1,701	1,466	1,528
Cases Opened	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	*16/17
Complaints Received	786	712	785	747	707	643	900	798	61
Criminal Conviction Reports Received	72	54	48	70	42	133	72	50	0
Investigations Opened	88	79	83	107	73	505	736	602	51
Cases sent to DA	2	3	3	5	6	0	0	0	0
Cases sent to AG	23	38	37	34	38	41	46	33	3
Filings									
Accusations	8	23	21	27	31	27	30	23	2
Statement of Issues	9	8	4	4	2	4	10	5	0
Petition to Revoke Probation	0	0	0	3	1	2	2	3	0
Petitions to Compel Psych. Exam	0	0	1	1	0	1	0	1	0
Petitions for Penalty Relief	3	1	0	1	1	2	0	0	0
Petition for Reinstatement	1	1	0	2	1	1	0	0	0
Petitions for Reconsideration	0	1	0	0	2	0	0	0	0
Filing Withdrawals/Dismissals									
Accusations Withdrawn	0	0	2	0	0	2	0	5	0
Accusations Dismissed	0	1	0	1	1	0	1	4	0
Statement of Issues Withdrawn	5	0	2	1	0	0	0	0	0
Citations									
Citations Ordered	5	10	9	18	10	6	11	27	1
Disciplinary Decisions									
Revocations	1	3	2	4	2	4	2	4	1
Revocation, Stayed, Probation	7	9	12	11	11	11	12	24	2
Revoked, Stayed, Probation, Susp.	3	0	0	0	0	0	0	0	0
Surrender	8	3	2	11	10	10	9	12	3
Reprovals	0	0	1	2	0	2	1	3	1
ISO/TRO/ASO/PC23 Ordered	3	4	1	4	3	2	2	2	0
Statement of Issues-License Denied	1	1	0	1	1	0	2	0	0
Other	2	1	2	0	1	0	1	1	0
Total Disciplinary Decisions	25	21	20	33	28	29	29	46	7
Other Decisions									
Statement of Issues-License Granted	4	5	4	3	6	3	1	1	0
Petitions for Penalty Relief Denied	1	0	0	0	0	0	0	0	0
Petitions for Penalty Relief Granted	3	1	1	1	1	1	0	0	0
Petition for Reinstatement Granted	1	0	0	0	1	0	0	0	0
Petition for Reinstatement Denied	0	0	1	1	1	0	0	0	0
Reconsiderations Denied	0	0	1	0	1	0	0	1	0
Reconsiderations Granted	0	1	0	0	1	0	0	0	0
Orders Compelling Psych. Exam	0	0	0	1	0	1	0	0	0
Total Other Decisions	9	7	7	6	11	5	1	2	0
Violation Types									
Gross Negligence/Incompetence	5	4	4	3	5	9	7	16	3
Improper Supervision	0	0	1	0	0	1	0	0	0
Repeated Negligent Acts	0	0	0	1	0	6	6	5	0
Self Abuse of Drugs or Alcohol	2	3	3	12	1	8	3	2	1
Dishonesty/Fraud	0	3	0	2	2	3	3	15	0
Mental Illness	1	0	0	0	2	1	0	4	0
Aiding Unlicensed Practice			0	0	0	1	0	1	0
General Unprofessional Conduct	1	1	1	0	2	14	2	5	0
Probation Violation	1	0	0	2	1	2	0	3	0
Sexual Misconduct	6	1	2	6	9	1	1	6	1
Conviction of a Crime	7	9	8	5	5	11	12	18	1
Discipline by Another State Board	1	0	1	1	0	0	0	5	0
Violation of Rules of Professional						0	1	18	0
Misrepresentation of License Status						1	1	1	0
Professional Standards - Findings						13/14	14/15	15/16	*16/17
Abandonment						1	0	0	0
Confidentiality						1	1	1	0
Failure to provide medical records						0	2	1	0
Improper Supervision						1	0	1	0
Outside of area of competence						1	0	3	1
Unfit to practice						1	1	0	1
Violation of Code (child custody)						1	0	0	0

*Statistics through 7/27/2016

****Statistics unavailable

HQIU Update for BOP

The Health Quality Investigation Unit (HQIU), which investigates Board of Psychology cases, currently has 27 investigator vacancies, a 35% vacancy rate. 13 candidates are in background for investigator positions.

Decreased staffing has affected timelines for case completion. With the vacancies, caseloads have risen for existing investigators. In many areas of the state the caseloads are at 40+ per investigator. Because of this, HQIU took proactive, strong mitigating steps to deal with the increased workload.

Effective July 1, 2016, all new Board of Psychology and Osteopathic Medical Board cases will be investigated by the IEU (Investigation & Enforcement Unit) of the Division of Investigation. They will continue to receive cases from these two allied health boards on a temporary basis until HQIU staffing levels return to normal. In addition, 61 existing cases from these boards were transferred to IEU from HQIU to help alleviate the rising caseloads. A MOU was executed to facilitate the transfer of workload. The hourly cost of investigative services will remain the same as when the cases were investigated by HQIU.

Pay has been a significant factor causing investigators to leave the agency. Retention pay was pending the collective bargaining process. The new contract ratified by bargaining unit 7 members in late June 2016, includes a provision that transfers the decision making authority to issue retention pay to the Department and CalHR. Based on this new provision, HQIU aggressively put forward a retention pay proposal for HQIU investigators to CalHR and will work with CalHR through the process.

HQIU is also hiring 8 limited term non-sworn Special Investigator positions that will be housed out the San Bernardino Field Office. These positions can be hired without the delays of the background and academy process and can provide immediate relief for working lower priority cases. These positions are not permanent, but a good place holder to obtain some immediate relief to complete cases while the sworn candidates are in background. HQIU plans to conduct interviews mid-August to select candidates for these positions.