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The *Enforcement Progress Report* represents the Department of Consumer Affairs (DCA)'s commitment to consumer protection; it is also an effort to increase transparency and awareness of all enforcement actions currently underway at DCA.

The report will highlight significant events in the life of the Consumer Protection Enforcement Initiative (CPEI). In some instances, you will be able to click on the links to access more detailed information, press releases, reports and/or video content.

Governor Schwarzenegger has mandated that all healing arts boards at the DCA are to overhaul the enforcement and disciplinary processes and the department is heeding this call. DCA will continue to make changes to ensure consumer protection is the number one priority for all of its health-related boards.

Although DCA will continue to issue this bimonthly report, enforcement progress from the Board of Registered Nursing (BRN) and the other healing arts boards will be highlighted instead on a quarterly basis.

Budget Change Proposal (BCP 1A and 1B) Approved by Legislative Budget Conference Committee

On June 8, 2010, the Legislative Budget Conference Committee approved the CPEI at the full funding and staffing levels proposed in the Governor's FY 2010-11 Budget. The approval includes 138.5 authorized positions and more than \$12.7 million for DCA's 18 healing arts to reduce the current enforcement processing period from an average three years, in some cases, to between 12 and 18 months.

DCA also received approval to implement the BreEZe automation system, providing DCA's customers with an integrated licensing and enforcement information technology solution that will replace DCA's current outdated legacy systems.

These achievements represent a major milestone in DCA's history and provide the single greatest consumer protection advancement in more than 30 years.



Update on DCA's Enforcement Academy

Seventy-six enforcement personnel graduated from DCA's first two Enforcement Academies on June 8 and 15, 2010. The academy consists of eight different modules held two days a week every other week for eight weeks. Each academy hosts 40 participants from a range of DCA's boards and bureaus. Participants learn about methods to improve case intake, case tracking and management, types of disciplinary actions, and more.

Pre- and post-assessment instruments measured the academy's effectiveness and projected impact on performance measures. More than 40 percent of the participants anticipated that cycle time, efficiency, customer service, public awareness, and the number of cases worked would improve significantly as a result of what they learned in the academy. Seventy-two percent of participants indicated that they considered the academy to be a worthwhile investment for DCA.

DCA will offer the next academy in October 2010 and two additional academies in early 2011.

BRN Reviews Discipline for California Nurses Sanctioned in Other States

After running its list of active and inactive nurses against a database maintained by the National Council of State Boards of Nursing, BRN found that roughly 3,500 of its nurses have been punished for misconduct or even had their licenses revoked in other states while maintaining clean licenses in California. As many as 2,000 of these nurses will now face discipline in California.

Until 2008, BRN checked the records of only initial applicants for a California license, not renewals, against disciplinary actions in other states. BRN will now run quarterly record checks on California nurses to capture the most current information.

The newly revealed caseload will be handled separately from other cases already under investigation or adjudication. The Attorney General's Office is assembling attorney teams in Northern and Southern California to handle the additional caseload. Attorneys will first focus on active California licensees



while flagging nurses on inactive status, should they attempt to renew their licenses.

BRN has provided the following statistics on California nurses sanctioned in other states:

Type of Discipline	Active Licensee	Inactive Licensee
Revocation	144	310
Suspension	209	332
Surrender	72	0
Emergency suspensions	11	15
Probation	429	446
Denied license	92	42
Reprimand or censure	387	324
Restriction	15	11
Fine	269	156
Other action	115	84
Total	1,743	1,720

The first accusation based on results from the scrub was filed on June 30, 2010 (three more were filed by July 2, 2010).

Posting Accusation Documents on Board/Bureau Web Sites

On May 21, 2010, DCA Director Brian Stiger directed all DCA boards and bureaus to post disciplinary documents on their Web sites. All pending and future accusations and disciplinary action documents will be posted on the Web via the license look-up function provided by each board and bureau. Many DCA boards and bureaus already provide this information to consumers via the license look-up feature, and the remaining boards and bureaus should be in compliance with the directive by the end of August 2010.

Fingerprint Automation Completed

The Office of Information Services completed the automated processing of fingerprint results for initial licensee applicants in the Applicant Tracking System on May 26, 2010. The following healing arts boards and bureaus are now fully automated:

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- Board of Behavioral Sciences
- Board of Registered Nursing
- Board of Pharmacy
- Veterinary Medical Board and Veterinary Technician Examining Committee
- Respiratory Care Board
- Board of Speech-Language Pathology and Audiology/Hearing Aid Dispensers
- Board of Optometry
- Board of Acupuncture
- Medical Board – Midwifery
- Dental Board of California
- Dental Hygiene Committee of California
- Cemetery and Funeral Bureau
- Physical Therapy Board of California
- Professional Fiduciaries Bureau
- Bureau of Security and Investigative Services
- Board of Psychology
- Board of Vocational Nursing and Psychiatric Technicians
- Physicians Assistant Committee

Status of Retroactive Fingerprinting Requirements for Healing Arts Boards

Acupuncture Board	In final Executive Office review
Behavioral Sciences Board	Effective June 19, 2009
Dental Board/COMDA (dental assistants)	Final regulation package pending
Dental Hygiene Board	Final regulation package pending
Occupational Therapy Board	Effective March 26, 2010
Optometry Board	Effective June 21, 2010
Pharmacy Board	Office of Administrative Law approved June 7, 2010; effective December 7, 2010
Physician Assistant Committee	Effective November 4, 2009
Podiatric Medicine Board	Effective October 16, 2009
Psychology Board	Final regulation package pending
Registered Nursing Board	Effective (permanently) June 2, 2009 Effective (emergency) November 24, 2008

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Veterinary Medical Board/Registered Veterinary Technicians	In Executive Office review
Vocational Nursing/Psychiatric Technicians Board	Effective (permanently) August 11, 2009 Effective (emergency) January 9, 2009

Drug Testing Contract

In June 2010, DCA executed a contract with Phamatech Incorporated to provide drug testing for individuals placed on probation by DCA boards and bureaus. The contract can be used by any board or bureau. Under the contract, testing and collection fees are paid by the probationer. Before this contract, individual boards and bureaus either had contracts or arranged individually for drug testing for each probationer. The DCA contract has enabled a significant reduction in the cost of testing and establishes a common standard for specimen collection and testing processes.

Future Actions

Meaningful enforcement reform will be instituted when changes are made to the structural procedures of the investigation and disciplinary processes and streamlined efficiencies are implemented. Many of the structural changes can occur only through legislative action. The Department of Consumer Affairs continues to mandate that all healing arts boards are operating their enforcement programs as efficiently and effectively as possible. As the department executes its enforcement reform, this document will be updated to reflect its progress.