

# OMBC Enforcement Report

April 14, 2022

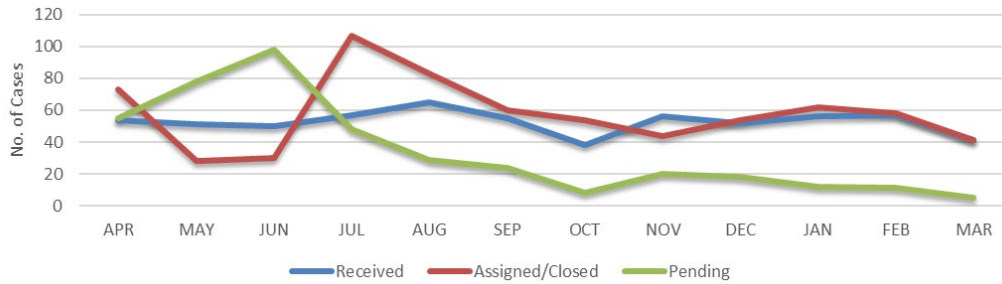
The following OMBC Enforcement Report covers April 1, 2021, through March 25, 2022. The OMBC Enforcement Report is divided into five sections: Intake, Investigations, Enforcement, Performance Measures, and Probation. The data is collected from the DCA Enforcement Reports and ad hoc reports created in IBM Cognos Analytics and Microsoft Excel.

## COMPLAINT INTAKE

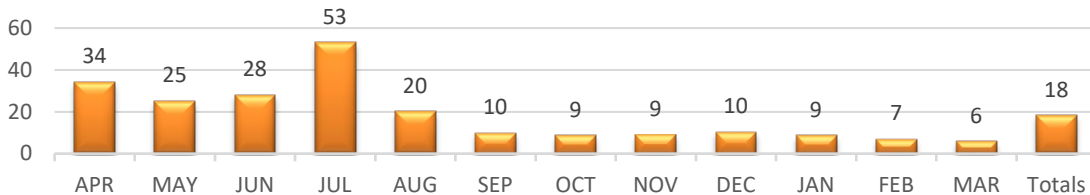
	2Q 2021			3Q 2021			4Q 2021			1Q 2022			Totals
	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
<b>Received</b>	54	51	50	57	65	55	38	56	52	56	57	41	
<b>Assigned/Closed</b>	73	28	30	107	83	60	54	44	54	62	58	41	
<b>Aging</b>	34	25	29	53	20	10	9	9	10	9	7	6	
	55	78	98	48	29	24	8	20	18	12	11	5	
<b>805 Reports</b>	0	1	3	1	0	1	1	0	1	0	0	0	8

**Data Table 1: Complaint Intake with Convictions/Arrests**

In Data Table 1 above, under TOTAL INTAKE, OMBC received 632 complaints (25 convictions/arrests). 694 complaints were either assigned or closed and the average aging for this period was 18 days. (The aging for intake measures the period from the date the complaint was received to the date the complaint was assigned). During this 12-month period, the Board received eight (8) 805 reports (Professional reporting from a health care facility via peer review). In Figure 1.1 below we see pending complaints drop significantly starting in 3Q 2021 and in Figure 1.2 we see the aging for the intake come down to the performance goal starting in September to present.



**Figure 1.1: Intake Totals Per Month**



**Figure 1.2 Aging for Complaint Intake**

# OMBC Enforcement Report

April 14, 2022

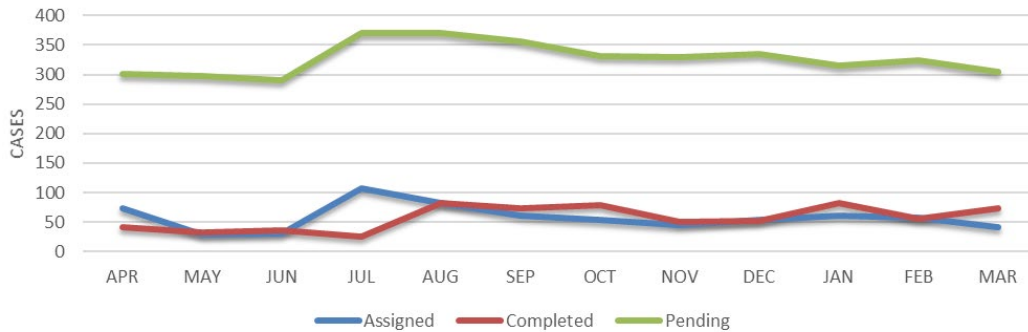
## INVESTIGATIONS

### Desk (internal) Investigations

Desk Inv.	2Q 2021			3Q 2021			4Q 2021			1Q 2022			Totals
	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Assigned	73	28	30	107	83	60	54	44	54	61	58	41	693
Completed	41	32	36	26	83	74	78	50	52	83	56	74	685
Aging	202	123	89	122	101	128	117	162	136	191	112	187	139
Pending	301	297	291	370	371	357	332	329	335	316	325	304	301

**Data Table 2: Desk Investigations**

For all desk investigations during this period, Data Table 2 above breaks down the monthly totals for how many complaints were assigned and completed; the monthly aging and cases pending. During this period, a total of 693 cases were assigned to desk investigations and 685 cases were completed. The average number of days to complete a desk investigation was 139 days. In Figure 2.1, the assigned and completed caseloads averaged around 60 per month. Pending desk investigations averaged around 300 to 350 per month.



**Figure 2.1: Desk Investigations Monthly Totals**

### Division of Investigation (DOI): Field Investigations

Field Inv.	2Q 2021			3Q 2021			4Q 2021			1Q 2022			Totals
	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Assigned	8	1	3	3	2	1	5	2	6	3	2	3	39
Completed	4	2	4	2	2	1	4	0	6	7	7	3	42
Aging	511	773	481	1,032	384	577	947	0	382	403	477	593	596
Pending	61	60	60	61	61	61	62	64	64	61	60	58	63

**Data Table 3: Field Investigations**

Data Table 3 above breaks down the monthly totals for cases assigned to the Division of Investigations. Completed cases are either closed with insufficient evidence or referred to the Attorney General’s office for disciplinary action. During this 12-month period, 39 cases were assigned to field investigations; 42 were completed; and 63 cases were pending at the end of 1Q 2022. The aging to complete a sworn investigation during this period was 596 days.

# OMBC Enforcement Report

April 14, 2022

The case complexity is the grouping of the complaint allegations. In Figure 3.1, for all 42 completed field investigations, there were 8 excessive prescribing cases (19%); 8 unprofessional conduct & fraud cases (21%); 5 sexual misconduct cases (12%); 4 criminal cases (10%); 7 negligent cases (17%); 3 substance abuse cases (7%); and 6 unlicensed practice (14%).

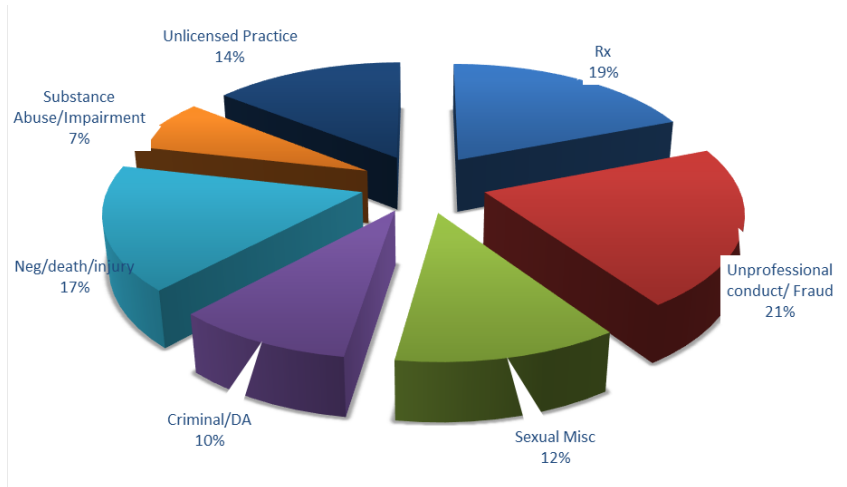


Figure 3.1 Complexity for completed Field Investigations

## Aging for All Investigations (Desk and Field)

All Inv Aging	2Q 2021				3Q 2021			4Q 2021			1Q 2022			Totals
	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR		
90 days	6	15	17	11	41	38	36	15	25	35	34	19	292	
91-180 days	10	2	16	6	24	8	20	14	9	12	5	11	137	
181-1 yr	14	5	5	4	14	6	17	7	11	17	3	24	127	
1 yr-2 yrs	7	3	3	1	3	3	7	5	5	19	8	4	68	
2 yrs-3 yrs	3	2	2	2	1	1	5	0	2	3	2	4	27	
<b>Totals</b>	<b>40</b>	<b>27</b>	<b>43</b>	<b>24</b>	<b>83</b>	<b>56</b>	<b>85</b>	<b>41</b>	<b>52</b>	<b>86</b>	<b>52</b>	<b>62</b>	<b>651</b>	

Data Table 4: All Investigations Aging

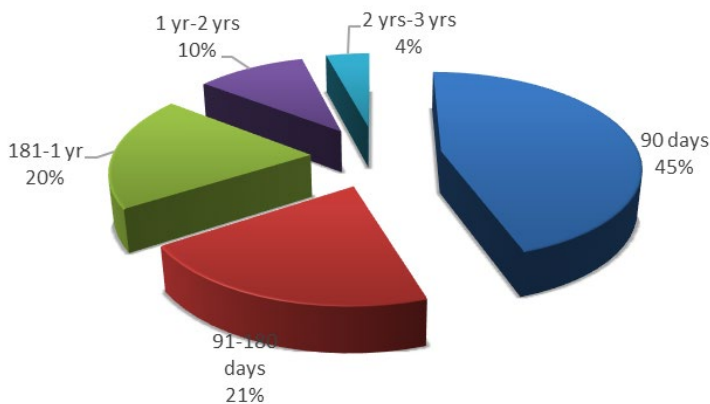


Figure 4.1: All Investigation Aging

In Data Table 4 and Figure 4.1 we see the aging matrix for the number of all investigations that were closed per month during this period. 292 cases (45%) were completed within 90 days; 137 cases (21%) were completed between 91-180 days; 127 cases (20%) were completed between 181-365 days; 68 cases (10%) were completed between 1 – 2 years; and 27 cases (4%) were completed between 2-3 years. 489 (66%) investigations were completed within 6 months; and 616 (86%) were completed within a year.

# OMBC Enforcement Report

April 14, 2022

## ENFORCEMENT ACTIONS

	2Q 2021			3Q 2021			4Q 2021			1Q 2022			Totals
	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
AG Cases Initiated	1	3	4	3	2	3	3	2	0	3	4	3	31
Acc/SOI Filed	0	1	3	2	0	2	1	3	1	3	3	2	21
Final Disciplinary Order	0	0	1	1	3	1	0	1	0	0	1	3	11
Acc W/drawn/declined	0	0	0	0	0	0	0	1	0	0	0	0	1
Closed w/out Disc Acti	0	1	2	0	0	0	0	0	0	0	1	2	6
Citations	0	0	0	0	0	0	0	0	0	1	1	0	2
ISO/PC23	0	0	0	0	0	1	0	1	0	0	0	1	3
<b>AG Cases Pending</b>	<b>22</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>25</b>	<b>27</b>	<b>30</b>	<b>29</b>	<b>29</b>	<b>32</b>	<b>34</b>	<b>33</b>	<b>33</b>

**Data Table 5: Enforcement Actions**

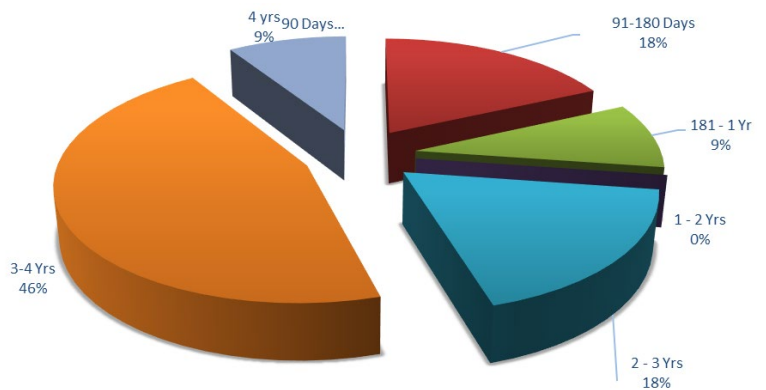
For all enforcement actions, Data Table 5 above breaks down the monthly totals for each disciplinary action. During this 12-month period, 31 cases were transmitted to the Attorney General’s Office for disciplinary actions; 21 Accusations/SOI were filed; 11 Final Disciplinary Orders were filed; 1 accusation withdrawn; 6 cases were closed without disciplinary action; 2 citations issued; and 3 ISO/PC23 Court Ordered suspension/restrictions were filed. 33 AG cases were pending at the end of 1Q 2022.

### Aging for Final Disciplinary Orders

Total Orders Aging	2Q 2021			3Q 2021			4Q 2021			1Q 2022			Totals
	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
90 Days	0	0	0	0	0	0	0	0	0	0	0	0	0
91-180 Days	0	0	0	0	0	0	0	0	0	0	0	2	2
181 - 1 Yr	0	0	0	0	0	0	0	1	0	0	0	0	1
1 - 2 Yrs	0	0	0	0	0	0	0	0	0	0	0	0	0
2 - 3 Yrs	0	0	0	0	2	0	0	0	0	0	0	0	2
3-4 Yrs	0	0	1	1	1	1	0	0	0	0	0	1	5
4 yrs	0	0	0	0	0	0	0	0	0	0	1	0	1
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>11</b>

**Data Table 6: Final Orders Aging Matrix**

In Data Table 6 and Figure 6.1 we see the aging matrix of the 11 Final Disciplinary Orders that were completed during this 12-month period. The chart displays the percentage of cases distributed within each aging period: 2 cases completed within 91-181 days (18%); 1 case completed within 181-365 days (9%); 2 cases within 2-3 years (18%); 5 cases within 3-4 years (46%); and 1 case after 4 years (9%). Of the 11 Disciplinary Orders imposed (Figure 6.2 below), there were 3 probations; 2 revocations; 4 surrenders; and 2 public reprimands. 1 Pre-accusation public reprimand was also filed.



**Figure 6.1: Final Orders Aging**

# OMBC Enforcement Report

April 14, 2022

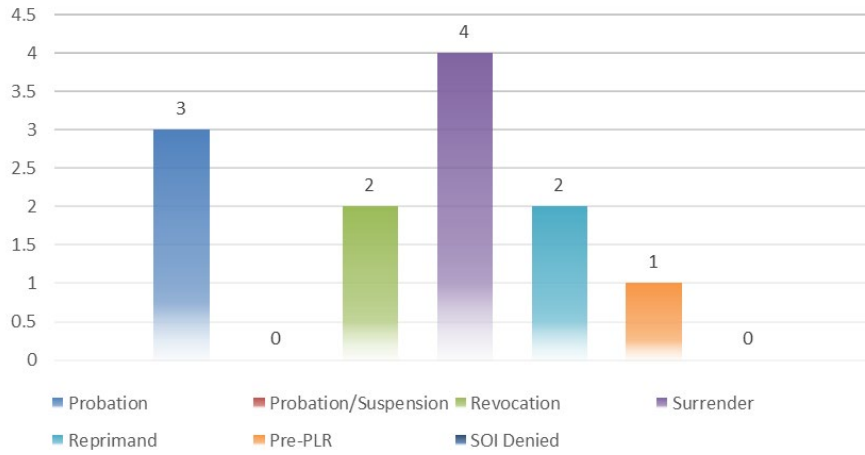


Figure 6.2: Final Disciplinary Actions Imposed

## PROBATION

As of 03/25/2022, There are 36 probation cases and 2 compliance monitoring case; of which 10 cases are tolled. For the last 12 months, 7 probationary cases have been closed and 3 cases were opened. The total cost recovery ordered to date is \$561,000. \$301,000,000 has been paid, leaving a balance of \$260,000.

