

OMBC Enforcement Report

August 10, 2022

The following OMBC Enforcement Report covers the fiscal year 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

	3Q 2021			4Q 2021			1Q 2022			2Q 2022			Totals
TOTAL INTAKE	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
Received	57	65	55	38	56	52	56	57	52	57	51	60	656
Assigned/Closed	107	83	60	54	44	54	62	58	49	58	48	58	735
Aging	53	20	10	9	9	10	9	7	6	8	14	10	14
Pending	49	30	25	9	21	19	13	12	15	14	17	19	
805 Reports	0	0	1	1	0	0	0	0	1	1	1	1	6

Data Table 1: Complaint Intake with Convictions/Arrests

In Data Table 1 above, under TOTAL INTAKE, OMBC received 656 complaints (24 convictions/arrests). 735 complaints were either assigned or closed and the average number of days to complete intake was 14 days. (The period from the receipt date to assigned date). During this 12-month period, the Board received six (6) 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 4Q 2021 and average around 20 cases per month. In Figure 1.2, we see the aging come down to the performance goal starting in September with a slight increase in 2Q 2022. These numbers reflect that the Board is meeting the performance goals even as the intake levels slightly increase.

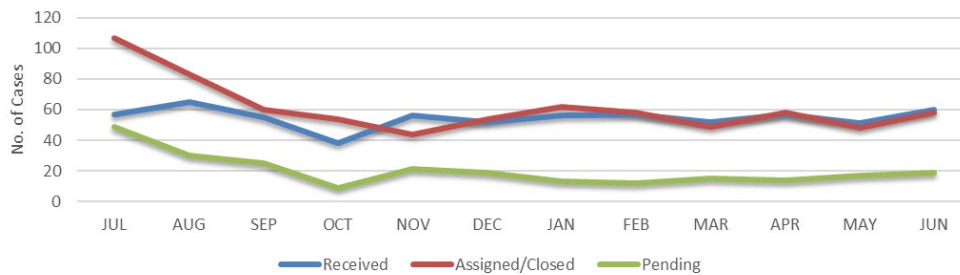


Figure 1.1: Intake Totals Per Month

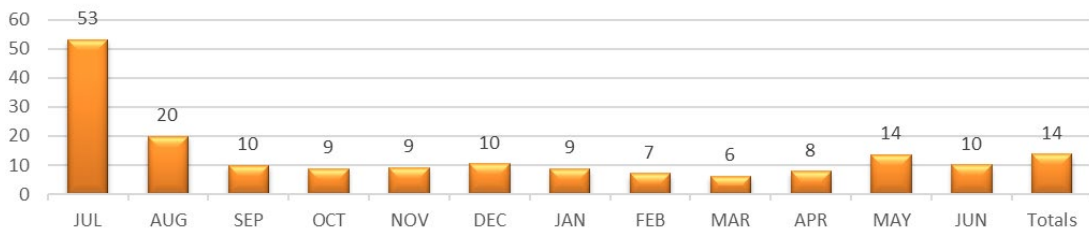


Figure 1.2 Aging for Complaint Intake

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INVESTIGATIONS

Desk (internal) Investigations

Desk Inv.	3Q 2021			4Q 2021			1Q 2022			2Q 2022			Totals
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
Assigned	107	83	60	54	44	54	61	58	49	58	48	58	734
Completed	25	82	75	77	48	52	82	52	75	57	59	45	729
Aging	123	101	129	118	150	136	193	114	185	171	75	87	132
Pending	367	367	352	328	325	331	311	321	308	314	306	320	

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 734 cases were assigned to desk investigations and 729 cases were completed. The average number of days to complete a desk investigation was 132 days. In Figure 2.1, the assigned and completed caseloads averaged around 50-60 per month. Pending desk investigations dropped from 350 to 300 per month starting in the 4Q 2021.

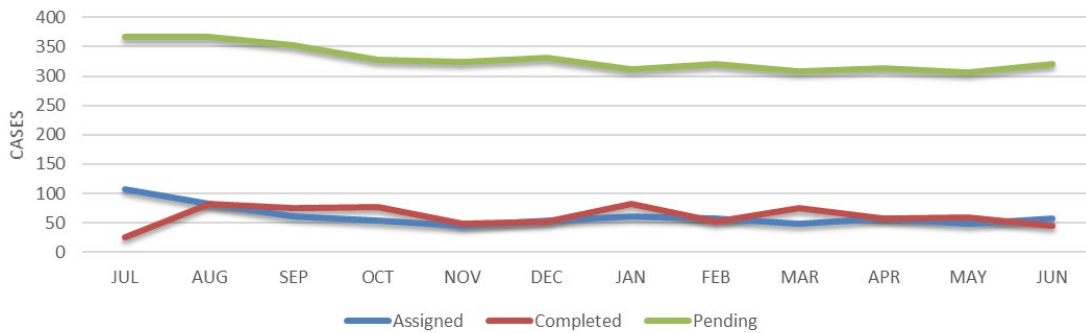


Figure 2.1: Desk Investigations Monthly Totals

Division of Investigation (DOI): Field Investigations

Field Inv.	3Q 2021			4Q 2021			1Q 2022			2Q 2022			Totals
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
Referred	3	2	1	5	2	6	3	2	3	2	2	1	32
Completed	2	2	1	4	0	6	6	6	4	3	13	5	52
Aging	1,032	384	577	947	382	463	521	536	287	464	410	593	551
Pending	60	60	60	61	63	63	60	59	58	57	49	46	

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, 32 cases were assigned to field investigations; 52 were completed; and 46 cases were pending at the end of 2Q 2022. The average number of days to complete a field investigation case was 551 days.

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Figure 3.1, Completed field investigations per allegations. For all 52 competed cases, there were 11 excessive prescribing cases (21%); 7 unprofessional conduct & fraud cases (14%); 4 sexual misconduct cases (8%); 7 criminal cases (13%); 8 negligent care cases (15%); 5 substance abuse cases (7%); 8 unlicensed practice (14%), and 2 Hospital 805 report cases (4%).

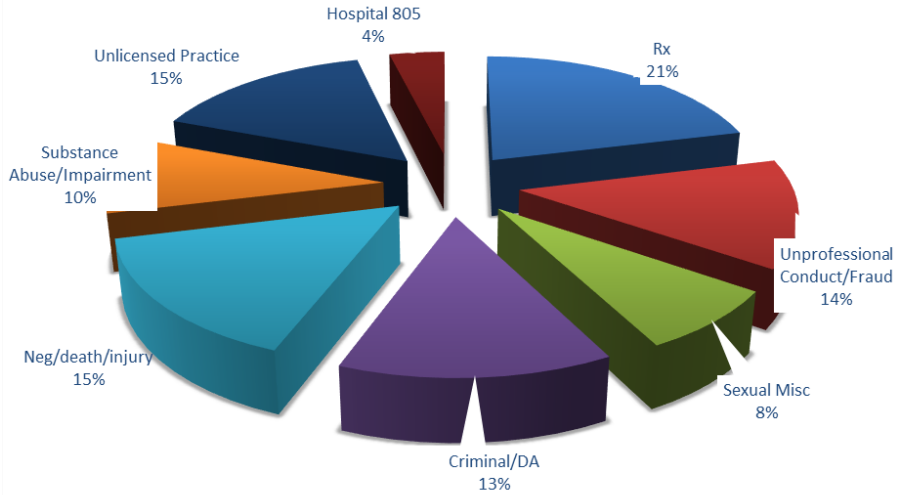


Figure 3.1 Completed Field Investigations per Allegation

Aging for All Investigations (Desk and Field)

All Inv Aging	3Q 2021			4Q 2021			1Q 2022			2Q 2022			Totals
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
90 days	11	41	37	35	15	25	34	34	19	29	35	25	340
91-180 days	6	23	8	20	14	9	13	5	12	7	5	0	122
181-1 yr	4	14	6	17	7	12	17	3	24	11	9	6	130
1 yr-2 yrs	1	3	3	7	5	5	19	8	5	8	6	0	70
2 yrs-3 yrs	2	1	1	5	0	2	3	2	4	2	4	3	29
Totals	24	82	55	84	41	53	86	52	64	57	59	34	691

Data Table 4: All Investigations Aging

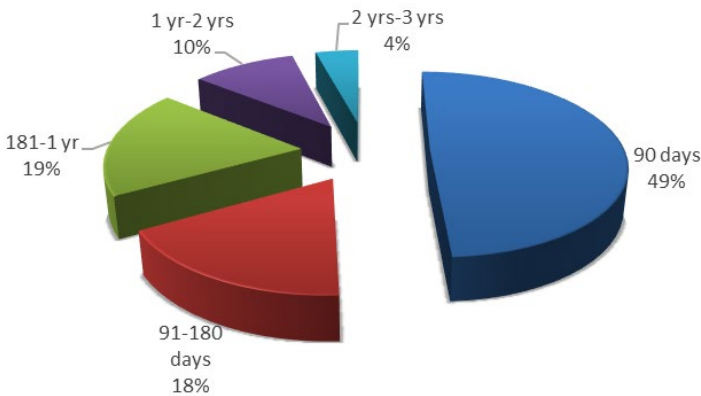


Figure 4.1: All Investigation Aging

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. 340 cases (49%) were completed within 90 days; 122 cases (18%) were completed between 91-180 days; 130 cases (19%) were completed between 181-365 days; 70 cases (10%) were completed between 1 – 2 years; and 29 cases (4%) were completed between 2-3 years. 462 (67%) investigations were completed within 6 months; and 592 (86%) were completed within a year.

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ENFORCEMENT ACTIONS

	3Q 2021			4Q 2021			1Q 2022			2Q 2022			Totals
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
AG Cases Initiated	3	2	3	3	2	0	3	4	5	2	4	2	33
Acc/SOI Filed	2	0	2	1	3	1	3	3	2	3	1	0	21
Final Disciplinary Order	1	3	1	1	0	0	0	0	3	1	0	2	12
Acc W/drawn/declined	0	0	0	0	1	0	0	0	0	0	0	0	1
Closed w/out Disc Acti	0	0	0	0	0	0	0	1	2	1	0	1	5
Citations	0	0	0	0	0	0	1	1	0	0	1	0	3
ISO/PC23	0	0	1	0	1	0	0	0	1	0	0	1	4
AG Cases Pending	25	24	25	28	28	28	30	32	33	33	36	35	35

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, 33 cases were transmitted to the Attorney General’s Office for disciplinary actions; 21 Accusations/SOI were filed; 12 Final Disciplinary Orders were filed; 1 accusation withdrawn; 5 cases were closed without disciplinary action; 3 citations issued; and 4 ISO/PC23 Court Ordered suspension/restrictions were filed. 35 AG cases were pending at the end of 1Q 2022.

Aging for Final Disciplinary Orders

Total Orders Aging	3Q 2021			4Q 2021			1Q 2022			2Q 2022			Totals
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
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	2	1	0	0	3
181 - 1 Yr	0	0	0	0	1	0	0	0	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	2	0	0	0	0	0	0	0	0	0	0	2
3-4 Yrs	1	1	1	0	0	0	0	0	1	0	0	2	6
4 yrs	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals	1	3	1	0	1	0	0	0	3	1	0	2	12

Data Table 6: Final Orders Aging Matrix

In Data Table 6 and Figure 6.1 we see the aging matrix of the 12 Final Disciplinary Orders that were completed during this 12-month period. The chart displays the percentage of cases distributed within each aging period: 3 cases completed within 91-181 days (25%); 1 case completed within 181-365 days (8%); 2 cases within 2-3 years (17%); and 6 cases within 3-4 years (50%). In Figure 6.2 on the following page, the Disciplinary Outcomes imposed were 2 probations; 1 probation with suspension; 2 revocations; 4 surrenders; and 3 public reprimands. Non-AG cases include 1 pre-accusation public reprimand and 2 subsequent discipline cases.

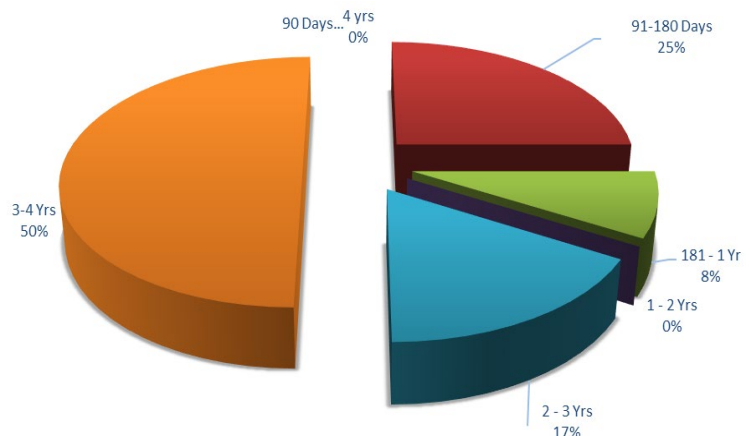


Figure 6.1: Final Orders Aging

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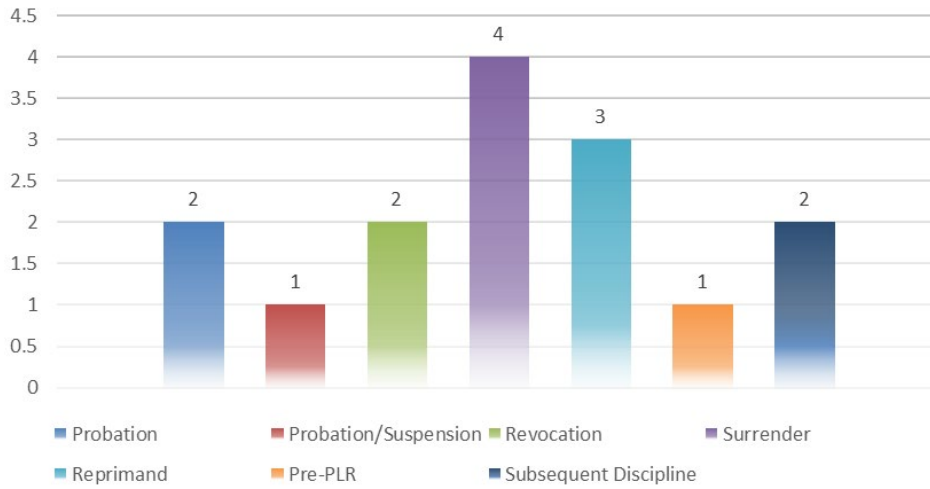


Figure 6.2: Disciplinary Outcomes

PROBATION

As of 07/25/2022, there are 32 probation cases and 2 compliance monitoring cases; of which 9 cases are tolled. During the last 12 months, 9 probationary cases were closed, and 2 cases were opened. For all current probation cases, the total cost recovery ordered is \$468, 290.90. The Board has recovered \$249,041.06, leaving a balance of \$219,249.84.

