

ACUPUNCTURE BOARD

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DATE	November 9, 2010
TO	All Board Members
FROM	Kristine Brothers Enforcement Coordinator
SUBJECT	Enforcement Update for July 1, 2010 to October 31, 2010

COMPLAINTS/CONVICTIONS & ARRESTS

DCA Category	Received	Closed/Referred to Investigation
Unprofessional Conduct	20	19
Unlicensed/Unregistered	9	10
Criminal Charges/Convictions	28	27
Sexual Misconduct	0	0
Fraud	3	3
Non-jurisdictional	6	4
Incompetence/Negligence	2	3
Unsafe/Unsanitary Conditions	2	2
Other	1	1
Substance Abuse/Drug & Mental/Physical Impairment	0	0
Discipline by Another State Agency	1	1
Total	72	70
Average Intake Time: 10 days		

***INVESTIGATIONS**

DCA Category	Initiated	Pending	Closed
Unprofessional Conduct	21	18	24
Unlicensed/Unregistered	13	15	7
Criminal Charges/Convictions	26	26	29
Sexual Misconduct	1	5	2
Fraud	5	6	4
Non-jurisdictional	0	0	0
Incompetence/Negligence	6	10	4
Unsafe/Unsanitary Conditions	2	3	3
Other	1	2	0
Substance Abuse/Drug & Mental/Physical Impairment	0	0	0
Discipline by Another State Agency	1	1	3
Total	76	86	76

*Includes formal investigations conducted by DOI and desk investigations conducted by staff

DISCIPLINARY ACTIONS

Requested	15
Pending	23
Accusation/SOI Filed	12
Closed	7
Revoked	1
Voluntary Surrender	3
Probation	2
License Denied	1
Avg. Overall Process Time	406 days
Open Probation Cases	21

CE AUDITS (September 1, 2009 thru November 9, 2010)

Audits Conducted by Education	130
Audits Referred to Enforcement	52
Audits Pending Education's Review	12
Audits Pending Enforcement's Review	4
Citations Issued to Licensees	33
Citations Issued to Providers	3

Violation Frequency Breakdown for Licensees

CCR 1399.489(a) - Failure to meet required CE or exceeds 5 hrs in Cat. 2	20
CCR 1399.489(b) - Exceeds 50% of req'd CE for distance education	2
CCR 1399.489(c) - Misrepresents completion or failure to sign statement	13
CCR 1399.489(e) - Failure to provide records in response to an audit	10

Violation Frequency Breakdown for Providers

CCR 1399.484(a) - Offering a course for CE without Board's approval	2
CCR 1399.484(e) - Failure to submit application for content changes	1
CCR 1399.482(d) - Failure to include all req'd information on CE cert.	1

Note: Some audits result in several violations

**CPEI Monthly Report to DCA
July 2010 thru October 2010**

	July	Aug	Sep	Oct	Average (to-date)	Total (to-date)
Complaints						
Received	9	6	19	10	11.0	44.0
Closed	0	1	1	3	1.3	5.0
Referred to INV	7	6	7	18	9.5	38.0
Avg Time to Close	6	9	11	14	10.0	40.0
Pending	4	3	14	3	6.0	24.0
Convictions / Arrests						
CONV Received	9	7	7	5	7.0	28.0
CONV Closed	10	4	7	6	6.8	27.0
Avg Time to Close	6	9	10	9	8.5	34.0
CONV Pending	1	4	4	3	3.0	12.0
Desk Investigations						
DESK Opened	17	8	12	23	15.0	60.0
DESK Closed	12	17	15	20	16.0	64.0
DESK Average	139	83	181	110	128.3	513.0
DESK Pending	62	60	55	55	58.0	232.0
Sworn Investigation						
Opened	5	4	2	5	4.0	16.0
Closed	6	3	2	6	4.3	17.0
Avg days to close	458	767	708	422	588.8	2355.0
Pending	30	32	32	31	31.3	125.0
All Investigations						
Closed	18	20	17	26	20.3	81.0
Avg days to close	246	186	243	178	213.3	853.0
Pending	92	92	88	86	89.5	358.0
Enforcement Actions						
Cases Referred	5	3	2	2	3.0	12.0
Cases Pending	22	25	25	23	23.8	95.0
SOIs Filed	1	1	1	2	1.3	5.0
Accusations Filed	3	2	2	3	2.5	10.0
Proposed/Default Decisions	1	0	1	1	0.8	3.0
Stipulations	2	0	1	1	1.0	4.0
Disciplinary Orders						
Final Orders	3	0	2	2	1.8	7.0
Avg Days to Complete	553	0	706	363	405.5	1622.0
Citations						
Citations Issued	0	11	7	0	4.5	18.0
Avg Days to Complete	0	107	346	0	113.3	453.0