



|                |  |
|----------------|--|
| <b>DATE</b>    | February 17, 2011  |
| <b>TO</b>      | All Board Members  |
| <b>FROM</b>    | Kristine Brothers<br>Enforcement Coordinator                   |
| <b>SUBJECT</b> | <b>Enforcement Update for July 1, 2010 to January 31, 2011</b> |

**COMPLAINTS/CONVICTIONS & ARRESTS**

| <b>DCA Category</b>                               | <b>Received</b> | <b>Closed/Referred to Investigation</b> |
|---|-----------------|---|
| Unprofessional Conduct                            | 41              | 41                                      |
| Unlicensed/Unregistered                           | 12              | 13                                      |
| Criminal Charges/Convictions                      | 56              | 56                                      |
| Sexual Misconduct                                 | 1               | 1                                       |
| Fraud   | 7               | 7                                       |
| Non-jurisdictional                                | 9               | 8                                       |
| Incompetence/Negligence                           | 7               | 7                                       |
| Unsafe/Unsanitary Conditions                      | 3               | 3                                       |
| Other   | 2               | 2                                       |
| Substance Abuse/Drug & Mental/Physical Impairment | 2               | 1                                       |
| Discipline by Another State Agency                | 2               | 2                                       |
| <b>Total</b>                                      | <b>142</b>      | <b>141</b>                              |
| <b>Average Intake Time: 10 days</b>               |                 |   |

**\*INVESTIGATIONS**

| <b>DCA Category</b>                               | <b>Initiated</b> | <b>Pending</b> | <b>Closed</b> |
|---|------------------|----------------|---------------|
| Unprofessional Conduct                            | 38               | 15             | 47            |
| Unlicensed/Unregistered                           | 13               | 9              | 16            |
| Criminal Charges/Convictions                      | 54               | 29             | 57            |
| Sexual Misconduct                                 | 1                | 5              | 3             |
| Fraud   | 6                | 9              | 4             |
| Non-jurisdictional                                | 3                | 1              | 2             |
| Incompetence/Negligence                           | 7                | 12             | 6             |
| Unsafe/Unsanitary Conditions                      | 3                | 3              | 4             |
| Other   | 1                | 1              | 1             |
| Substance Abuse/Drug & Mental/Physical Impairment | 2                | 2              | 0             |
| Discipline by Another State Agency                | 2                | 1              | 4             |
| <b>Total</b>                                      | <b>130</b>       | <b>87</b>      | <b>144</b>    |

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

## DISCIPLINARY ACTIONS

|                                  |                 |
|----------------------------------|-----------------|
| <b>Requested</b>                 | <b>14</b>       |
| <b>Pending</b>                   | <b>19</b>       |
| <b>Accusation/SOI Filed</b>      | <b>13</b>       |
| <b>Closed</b>                    | <b>11</b>       |
| Revoked                          | 1               |
| Voluntary Surrender              | 4               |
| Probation                        | 5               |
| License Denied                   | 1               |
| <b>Avg. Overall Process Time</b> | <b>481 days</b> |
| <b>Open Probation Cases</b>      | <b>24</b>       |

## CE AUDITS (September 1, 2009 thru February 17, 2011)

|                                     |            |
|-------------------------------------|------------|
| Audits Conducted by Education       | <b>130</b> |
| Audits Referred to Enforcement      | 52         |
| Audits Pending Education's Review   | 12         |
| Audits Pending Enforcement's Review | 0          |
| Citations Issued to Licensees       | <b>37</b>  |
| Citations Issued to Providers       | <b>3</b>   |

\*31% of CE audits resulted in citations

## Violation Frequency Breakdown for Licensees

|  |    |
|--|----|
| CCR 1399.489(a) - Failure to meet required CE or exceeds 5 hrs in Cat. 2 | 23 |
| 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  | 14 |
| CCR 1399.489(e) - Failure to provide records in response to an audit     | 11 |

## 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 January 2011**

|                              | July | Aug | Sep | Oct | Nov | Dec | Jan | Average<br>(to-date) | Total<br>(to-date) |
|------------------------------|------|-----|-----|-----|-----|-----|-----|----------------------|--------------------|
| <b>Complaints</b>            |      |     |     |     |     |     |     |                      |                    |
| Received                     | 9    | 6   | 19  | 10  | 18  | 14  | 10  | 12.3                 | 86.0               |
| Closed                       | 0    | 1   | 1   | 3   | 1   | 2   | 1   | 1.3                  | 9.0                |
| Referred to INV              | 7    | 6   | 7   | 18  | 17  | 12  | 9   | 10.9                 | 76.0               |
| Avg Time to Close            | 6    | 9   | 11  | 14  | 8   | 9   | 8   | 9.3                  | 65.0               |
| Pending                      | 4    | 3   | 14  | 3   | 3   | 3   | 3   | 4.7                  | 33.0               |
| <b>Convictions / Arrests</b> |      |     |     |     |     |     |     |                      |                    |
| CONV Received                | 9    | 7   | 7   | 5   | 4   | 10  | 14  | 8.0                  | 56.0               |
| CONV Closed                  | 10   | 4   | 7   | 6   | 4   | 12  | 13  | 8.0                  | 56.0               |
| Avg Time to Close            | 6    | 9   | 10  | 9   | 6   | 9   | 8   | 8.1                  | 57.0               |
| CONV Pending                 | 1    | 4   | 4   | 3   | 3   | 1   | 2   | 2.6                  | 18.0               |
| <b>Desk Investigations</b>   |      |     |     |     |     |     |     |                      |                    |
| DESK Opened                  | 17   | 8   | 12  | 23  | 19  | 21  | 20  | 17.1                 | 120.0              |
| DESK Closed                  | 12   | 17  | 15  | 20  | 30  | 21  | 16  | 18.7                 | 131.0              |
| DESK Average                 | 139  | 83  | 181 | 110 | 91  | 148 | 88  | 120.0                | 840.0              |
| DESK Pending                 | 62   | 60  | 55  | 55  | 43  | 43  | 47  | 52.1                 | 365.0              |
| <b>Sworn Investigation</b>   |      |     |     |     |     |     |     |                      |                    |
| Opened                       | 5    | 4   | 2   | 5   | 5   | 5   | 3   | 4.1                  | 29.0               |
| Closed                       | 6    | 3   | 2   | 6   | 0   | 3   | 1   | 3.0                  | 21.0               |
| Avg days to close            | 458  | 767 | 708 | 422 | 0   | 370 | 512 | 462.4                | 3237.0             |
| Pending                      | 30   | 32  | 32  | 31  | 36  | 38  | 40  | 34.1                 | 239.0              |
| <b>All Investigations</b>    |      |     |     |     |     |     |     |                      |                    |
| Closed                       | 18   | 20  | 17  | 26  | 30  | 24  | 17  | 21.7                 | 152.0              |
| Avg days to close            | 246  | 186 | 243 | 178 | 91  | 176 | 113 | 176.1                | 1233.0             |
| Pending                      | 92   | 92  | 88  | 86  | 79  | 81  | 87  | 86.4                 | 605.0              |
| <b>Enforcement Actions</b>   |      |     |     |     |     |     |     |                      |                    |
| Cases Referred               | 5    | 3   | 2   | 2   | 0   | 2   | 0   | 2.0                  | 14.0               |
| Cases Pending                | 22   | 25  | 25  | 23  | 21  | 19  | 19  | 22.0                 | 154.0              |
| SOIs Filed                   | 1    | 1   | 1   | 2   | 0   | 0   | 0   | 0.7                  | 5.0                |
| Accusations Filed            | 3    | 2   | 2   | 3   | 0   | 1   | 0   | 1.6                  | 11.0               |
| Proposed/Default Decisions   | 1    | 0   | 1   | 1   | 0   | 1   | 0   | 0.6                  | 4.0                |
| Stipulations                 | 2    | 0   | 1   | 1   | 1   | 1   | 1   | 1.0                  | 7.0                |
| <b>Disciplinary Orders</b>   |      |     |     |     |     |     |     |                      |                    |
| Final Orders                 | 3    | 0   | 2   | 2   | 1   | 2   | 1   | 1.6                  | 11.0               |
| Avg Days to Complete         | 553  | 0   | 706 | 363 | 550 | 296 | 198 | 380.9                | 2666.0             |
| <b>Citations</b>             |      |     |     |     |     |     |     |                      |                    |
| Citations Issued             | 0    | 11  | 7   | 0   | 7   | 13  | 0   | 5.4                  | 38.0               |
| Avg Days to Complete         | 0    | 107 | 346 | 0   | 3   | 166 | 0   | 88.9                 | 622.0              |

## Performance Measures

### Q1 Report (July - Sept 2010)

To ensure stakeholders can review the Board's progress in meeting its enforcement goals and targets, we have developed a transparent system of performance measurement.

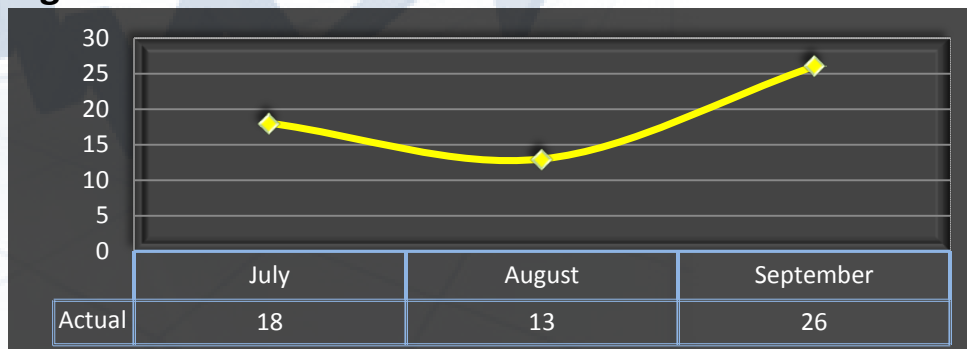
These measures will be posted publicly on a quarterly basis. In future reports, additional measures, such as consumer satisfaction and complaint efficiency, will also be added. These measures are being collected internally and will be released once sufficient data is available.

#### Volume

Number of complaints received.\*

**Q1 Total: 57 (Complaints: 34 Convictions: 23)**

**Q1 Average: 19**

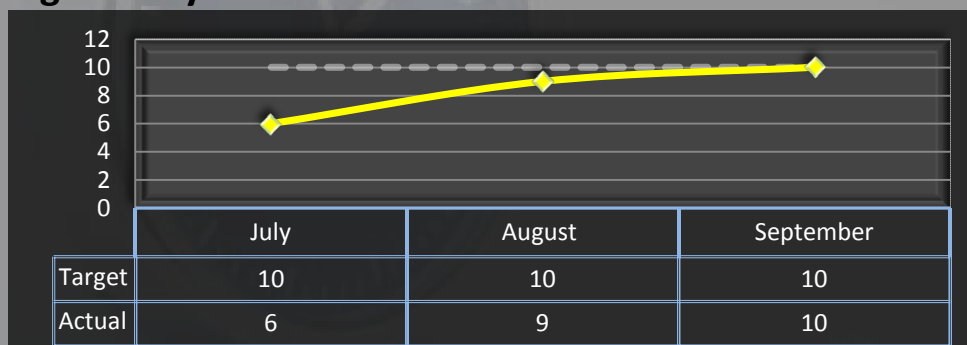


#### Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

**Target: 10 Days**

**Q1 Average: 8 Days**



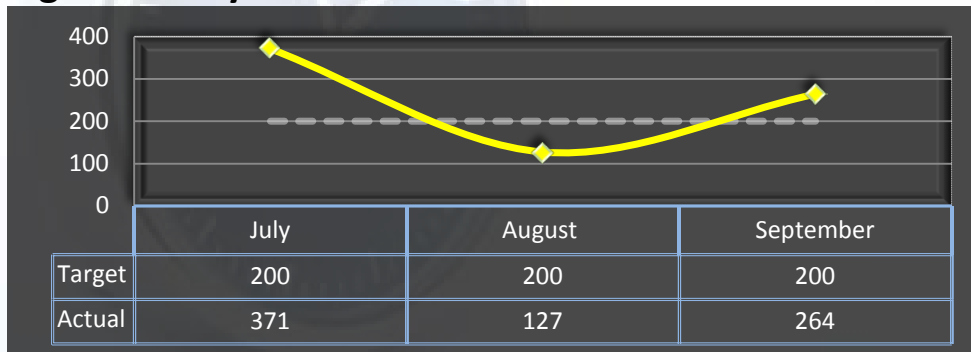
\*"Complaints" in these measures include complaints, convictions, and arrest reports.

## Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

**Target: 200 Days**

**Q1 Average: 221 Days**

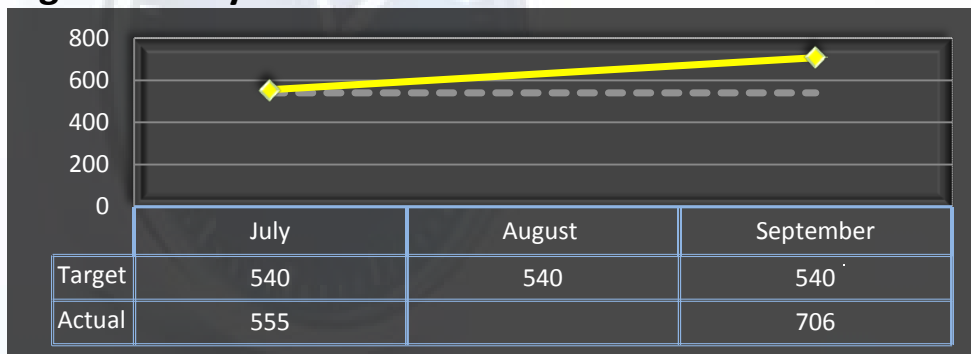


## Formal Discipline

Average cycle time from complaint receipt to closure, for cases sent to the Attorney General or other forms of formal discipline.

**Target: 540 Days**

**Q1 Average: 615 Days**

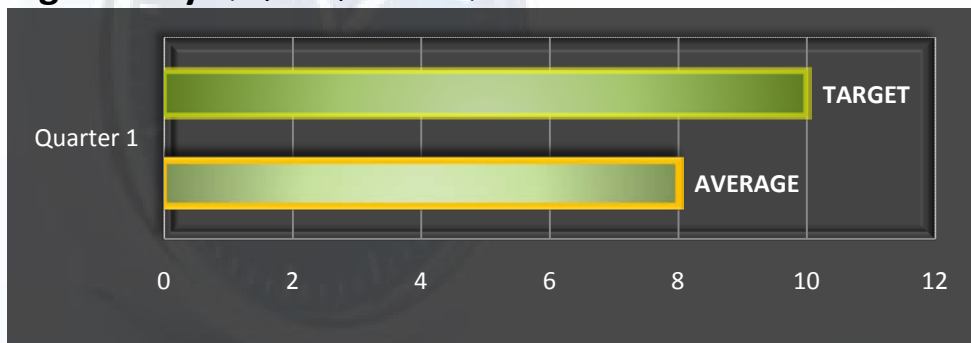


## Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

**Target: 10 Days**

**Q1 Average: 8 Days** (only 1 data point available)

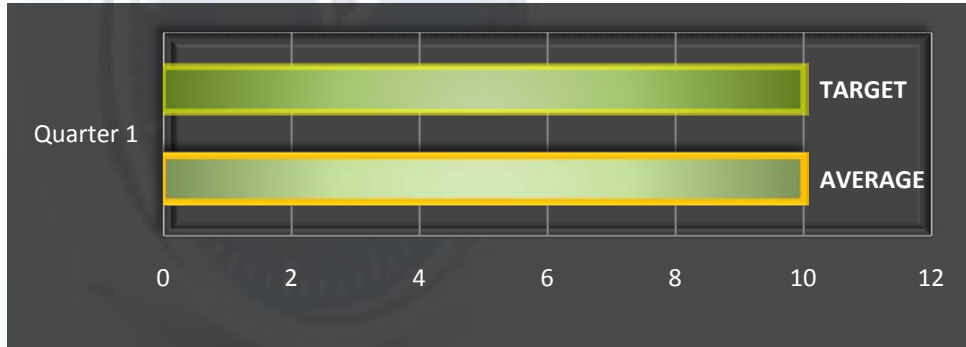


## Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

**Target: 10 Days**

**Q1 Average: 10 Days** (only 1 data point available)



## Performance Measures

### Q2 Report (October - December 2010)

To ensure stakeholders can review the Board's progress in meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

In future reports, the Department will request additional measures, such as consumer satisfaction. These measures are being collected internally and will be released once sufficient data is available.

#### Volume

Number of complaints and convictions received.

**Q2 Total: 61**

*Complaints: 42 Convictions: 19*

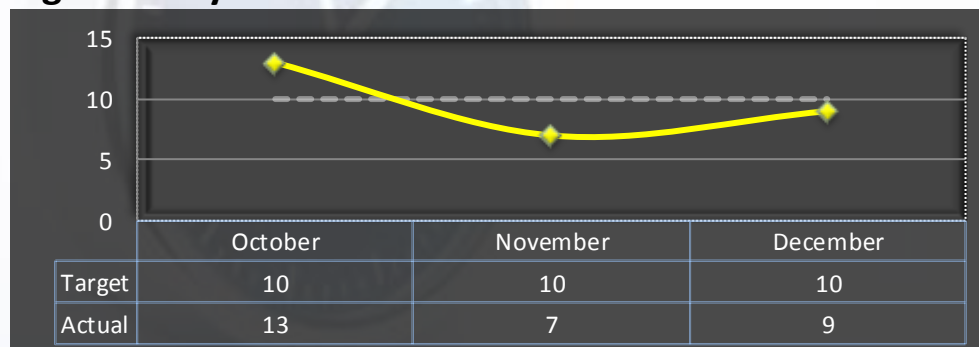
**Q2 Monthly Average: 20**

#### Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

**Target: 10 Days**

**Q2 Average: 10 Days**

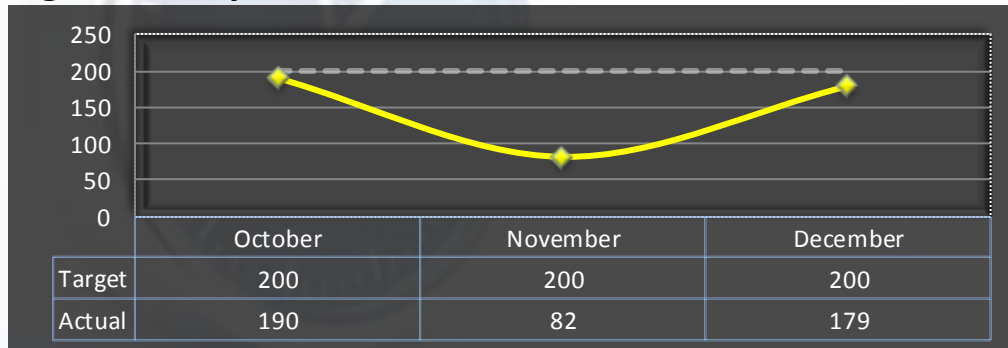


## Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

**Target: 200 Days**

**Q2 Average: 146 Days**

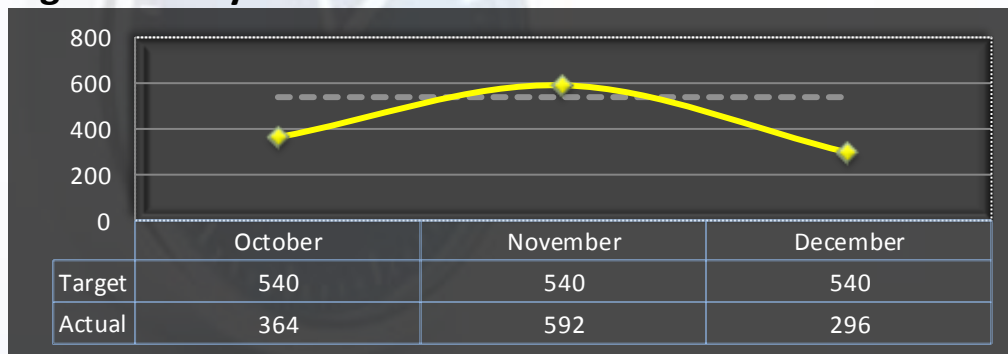


## Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

**Target: 540 Days**

**Q2 Average: 374 Days**

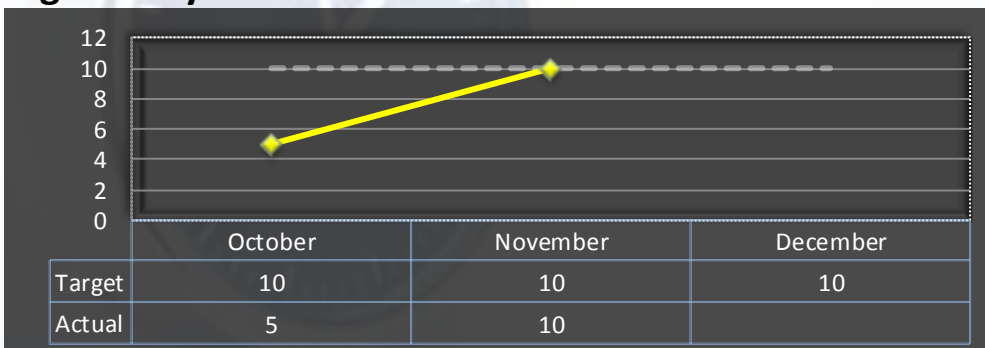


## Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

**Target: 10 Days**

**Q2 Average: 7 Days**





## Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

**Target: 10 Days**

**Q2 Average: 1 Day**

