

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 |