



July 1, 2019

The Honorable Steven Glazer, Chair
Senate Business, Professions and Economic Development Committee
State Capitol, Room 2053
Sacramento, CA 95814

The Honorable Evan Low, Chair
Assembly Business and Professions Committee
State Capitol, Room 4126
Sacramento, CA 95814

Chris Shultz, Chief Deputy Director
Department of Consumer Affairs
1625 North Market Boulevard, Suite S-308
Sacramento, CA 95834

Subject: Response to the Administrative and Enforcement Monitor Final Report

Dear Chairman Glazer, Chairman Low and Chief Deputy Director Shultz:

Per the requirements of AB 1229 (Low, Chapter 586, Statutes of 2017), the Board of Vocational Nursing and Psychiatric Technicians (BVNPT) is submitting its July 1, 2019 report addressing recommendations made by the Administrative and Enforcement Monitor issued on December 18, 2017. The BVNPT is pleased to report that it has implemented, or implemented with modifications, all 58 recommendations issued by the Monitor.

In this report, we prepared a high-level narrative, discussing our work from January 2018 through June 2019. We also included an updated version of the report matrix from our January 1, 2019 report. In the matrix, we showcase all implementation updates that have occurred since January 2019.

Additionally, the board is working closely with the Department of Consumer Affairs (DCA) to review, evaluate and improve other areas of operations. To that end, we expect recommendations that include improvements to staffing, business processes and resource management to be available in Summer 2019.

The next and final report will be issued on January 1, 2020. Should you and your staff wish to meet and discuss the information contained in this report or any other information, please contact our Executive Officer, Elaine Yamaguchi at 916-576-4212.

Sincerely,

/signature on file/

TAMMY ENDOZO, L.V.N.
Board President

cc: Che Salinas, Chief Deputy Secretary, Legislative Affairs, Office of Governor Newsom
Alexis Podesta, Secretary, Business, Consumer Services and Housing Agency
Members, Board of Vocational Nursing and Psychiatric Technicians

BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

REPORT TO THE LEGISLATURE JULY 1, 2019

INTRODUCTION

The Board of Vocational Nursing and Psychiatric Technicians (BVNPT) is pleased to report its progress implementing the recommendations from the Administrative and Enforcement Monitor Final Report, as presented on December 18, 2017. This report, in compliance with the July 1, 2019 deadline set in Business and Professions Code Section 2847.6, outlines BVNPT's progress in implementing the recommendations as of June 2019.

BACKGROUND

AB 179 (Bonilla, Chapter 510, Statutes of 2015) required the California Department of Consumer Affairs (DCA) to appoint an Administrative and Enforcement Program Monitor (Monitor) for the BVNPT. This required the Monitor to complete specified reviews and analyses of BVNPT's Enforcement Division, assessments of BVNPT's vacant positions and hiring, staff training, staff oversight, staff performance evaluations, and board member training and support services.

The Monitor's recommendations focused on key areas of concern. The recommendations are grouped in "buckets" and provide implementation updates for each of the categories. The implementation matrix shows each Monitor recommendation in numerical order, its status, and BVNPT's actions in implementing each recommendation.

BVNPT IMPLEMENTATION ACTIVITIES

Personnel

At the end of 2017, BVNPT had a vacancy rate exceeding 20 percent. The absence of a permanent Executive Management team compounded existing low staff morale, and negatively impacted BVNPT's ability to process licenses and evaluations, enforcement cases, cashiering, and administrative work.

The BVNPT has made significant progress in addressing vacancy issues. Specific to the Enforcement Personnel issues cited in the Monitor's Report, as of June 2019, the Enforcement Division is nearly 100 percent staffed, and DCA's Division of Investigation (DOI) oversight has transitioned to a consultative role.

The Monitor also provided recommendations regarding BVNPT's general personnel issues pertaining to the timely and meaningful completion of evaluations and Individual Development Plans (IDPs). Management implemented a tracking system and all staff members receive an annual IDP. The report also directed the Executive Management team to review the overall organizational structure and determine appropriate and optimal staffing levels, regarding staff classification and number of employees.

The Licensing reorganization reduced backlogs, and the number of incoming telephone calls to the Board decreased by 62 percent since January 1, 2019. The Monitor also recommended staffing reviews and reorganization to address the backlog of cases and the failure to identify and assign investigations. DOI assisted BVNPT in this reorganization by developing procedures and training the team.

The Enforcement Division is now comprised of five separate units; Intake and Enhanced Screening Unit, Licensee and Applicant Case Review Unit, Special Investigations Unit, Discipline Unit, and Probation Unit. At this writing, the Enforcement Division's leadership is complete and works together to increase mutual understanding of each unit's roles and responsibilities.

(This section encompasses our work on Recommendations 23, 28, 29, 30, 32, 36, 41 and 48. Specific information on the individual Recommendations is on the attached matrix.)

Intake and Enhanced Screening

The Monitor examined BVNPT's enforcement case processing and issued a significant number of recommendations related to the reorganization of the Enforcement Division; specifically, the need to create a distinct unit to handle case intake and the investigation of complaints. To that end, BVNPT divided the Complaints Unit to differentiate those functions, and converted a vacant Investigator position to a Manager position. The newly-formed Intake and Enhanced Screening Unit and Licensee and Applicant Case Review Units are now fully functioning, and, with the hiring of the Licensee and Applicant Case Review Unit Manager in January 2019, the units worked together transitioning assignments and workload maximizing oversight and accountability.

The Intake and Enhanced Screening Unit duties are now shared by three Associate Governmental Program Analysts (AGPAs) whose duty statements have been revised and provide greater consistency in processing intake and enhanced screening cases. The sharing of duties serves to eliminate work silos which make it difficult to cover staff absences and vacancies.

Further, the Monitor made a series of recommendations pertaining to previous case management by former leadership. These involved finding, identifying, and

reopening hundreds of cases. With DOI's assistance, these recommendations were implemented.

The Monitor also noted BVNPT's lack of established procedures and challenges in adhering to the Consumer Protection Enforcement Initiatives (CPEI) and called for training, the creation of desk manuals, and staff understanding of the individual and team roles. As staffing changes took place, these factors improved, and the team continues to make progress in resolving the case backlog. BVNPT continues to develop its statistical reporting functions and, pending Board approval, will post comprehensive information on our processing times.

(This section encompasses our work on Recommendations 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26 and 27. Specific information on the individual Recommendations is on the attached matrix.)

Enforcement Issues

BVNPT was fortunate to have the presence and guidance of the Division of Investigations (DOI) from late 2017 through 2018.

The Monitor made several recommendations about the role of the BVNPT Enforcement Chief, aimed at improving internal and external communications. DOI provided the groundwork, and the Enforcement Chief continues implementing reforms, including weekly case triage meetings open to all enforcement staff, collaborative work with other enforcement divisions within DCA's healing arts boards and the Attorney General's Office.

The Monitor noted workload issues within the Probation Unit. To address this capacity problem the board supplied the Probation Unit with four additional support staff. Each analyst carries approximately 100 cases. The Probation Unit also handles all Cost Recovery responsibilities.

After peaking at 471 in April 2018, the total number of probationers declined to 395 as of March 30, 2019, noting an improvement in this area.

Additionally, the Probation Unit is reviewing/revising the BVNPT Disciplinary Guidelines in advance of proposed regulatory updates.

Similarly, the Monitor noted inefficiencies with BVNPT's Citation and Fine program and recommended that all the responsibilities be transferred to the Discipline Unit. This has been accomplished: BVNPT issued 30 citations, and collected \$16,850 in fines since January 1, 2019. In addition, staff conducted a comprehensive audit of the Citation and Fine program to ensure compliance and, in cases where non-compliance is identified, the matter is referred to the Franchise Tax Board for collection through the Intercept Program.

(This section encompasses our work on Recommendations 42, 49, 50, 22, 31, 34, 35. Specific information on the individual Recommendations is on the attached matrix.)

Partnerships

BVNPT continues to work with several DCA divisions to maintain efficient board operations. These valuable partnerships include DCA's Budget and Finance, Human Resources, Internal Audits, Organizational Change Management, SOLID, Legal Affairs Division, the Office of Information Services, and the Executive Office. We developed new and improved existing working relationships with other Boards and Bureaus, particularly our fellow Healing Arts boards.

Our partnership with DOI precedes the Monitor's work with BVNPT and is the theme of several of the recommendations. The Monitor recommended that DOI provide enforcement-related management and technical support, training, and case reviews.

BVNPT continues a positive relationship with the Office of the Attorney General (AG). The Monitor recommended that BVNPT work with the AG and increase our utilization of the Fast Track Pilot Program for disciplinary matters arising from licensee arrest and conviction reports. These steps significantly increased our case management efficiency. Initially, the Fast Track Pilot Program included the Sacramento, Oakland, San Francisco, and San Diego Offices of the Attorney General. In May 2019, this program was expanded to include the Los Angeles AGs office. Additionally, the Board initiated electronic transmission of these cases via the DCA Cloud. This provides a secure and efficient transmittal process and eliminates the postage costs associated with mailing the documents.

(This section encompasses our work on Recommendations 6, 7, 46, 38, 43, 44, 45, 57, and 58. Specific information on the individual Recommendations is on the attached matrix.)

BVNPT's Governance

BVNPT's Board members must complete several DCA board training and orientation programs – some specific to the operation of BVNPT. The newest board member spent time with the Enforcement staff in May 2019 to learn about the Board member's role in the disciplinary process including mail ballots and petitioner hearings. Staff maintains a log tracking the completion of DCA mandatory training for each Board member.

In addition, the Board plans an additional day at two of its four yearly meetings to incorporate training and planning activities. In May 2018, the Board began discussing its Strategic Plan, and received training about the enforcement programs. In November 2018, the Board spent a day working with DCA's Strategic Planning consultants to develop its Mission, Vision and Values, and

formulate the backbone of the new Strategic Plan, which will guide BVNPT's operations from approximately 2020-2023.

(This section encompasses our work on Recommendations 51, 52, 53, 54, 39, 40, and 47. Specific information on the individual Recommendations is on the attached matrix.)

Continuing Education Audit

Per the Monitor's recommendation, a team of BVNPT analysts examined the CE Audit Program and developed a plan and timeline to commence the audit in November 2018. The team gleaned information and guidance from staff who previously processed audit information, Licensing and Education Subject Matter Experts, and the Enforcement Division to develop a start-to-finish CE Audit program. They also developed the requisite documents and letters.

Research and analysis indicated that five percent of the monthly renewing population would yield a steady and meaningful sampling. The team then projected the staffing and resources needs to manage the program successfully. Executive Management reviewed the team's recommendations, and upon an examination of the current staff and resources available, chose to delay the start until 2019, after the hiring and reorganizing in the Licensing Division throughout 2018 had settled. In January 2019, the Board had four vacancies in the Licensing Division and determined that the audit would be delayed until the vacancies were filled and the individuals properly trained. While it is urgent that this function be reinstated as soon as possible, it is essential that the program launched is efficient and sustainable. The CE audit commenced in June 2019.

(This section encompasses our work on Recommendations 3, 4, and 33. Specific information on the individual Recommendations is on the attached matrix.)

Legislation and Regulations

The Monitor recommended that the Board pursue legislation to provide the Executive Officer the authority to approve default decisions. Default decisions are straightforward cases in which a licensee or respondent does not respond to a disciplinary notice or action within the required timeframe. These are currently sent to the board members, along with other cases to deliberate. The Board would save time and resources by authorizing the Executive Officer to approve these administrative matters. At its February 2019 meeting, the Board voted to have the Executive Officer seek legislation to have the authority to delegate the default decisions to the Executive Officer.

Although not discussed in the Monitor's recommendations, BVNPT is working to strengthen its fiscal stability and sustainability by updating its fee structure through legislation. BVNPT did not raise licensing fees for approximately a decade, despite rising costs and additional mandated requirements. BVNPT staff developed a new fee structure proposal that was approved by the Board in April

2018 and successfully added language to the Department's annual omnibus bill. This bill, SB 1480 (Hill, Chapter 571, Statutes of 2018) was enacted and took effect January 1, 2019.

However, SB 1480 did not include the language BVNPT developed to create fees for schools and programs under the board's jurisdiction. From April to November 2018, the Executive Officer and staff conducted a series of meetings and conference calls with stakeholders to discuss the structure and need for these new fees. At the November 2018 meeting, the Board authorized staff to seek an author for this legislation. BVNPT continues to host stakeholder meetings and conference calls regarding the school fees.

(This section encompasses our work on Recommendations 37, and 55. Specific information on the individual Recommendations is on the attached matrix.)

Other Improvements

The Monitor recommended that BVNPT review and revise the Record of Conviction form and make it more understandable to applicants and licensees. As of December 2018, BVNPT worked internally and with DCA Legal Counsel and will issue new forms reflecting the revised language.

In addition, BVNPT is preparing regulations for AB 2138 (Chiu and Low, Chapter 995, Statutes of 2018). AB 2138 changed boards' ability to deny a license based on past criminal convictions.

In compliance with AB 1229, BVNPT worked with consultants from DCA's Organizational Change Management Office to examine the licensing and administration teams' operating processes. This analysis mapped each individual business function and identified areas that needed to be streamlined to increase efficiency. At the same time, management developed a thorough and user-friendly catalog of the licensing and administrative process statistics to provide a clear picture of the workload and address any potential backlogs.

Finally, BVNPT consulted with DCA's Communications Office to improve the usefulness and accessibility of the website, utilize social media, and develop informational content for the Internet. The Discipline Unit developed a video for licensees/applicants on the discipline process. You can access the video at <https://youtu.be/PvpjTBdLrso>. BVNPT jumped into the social media world in March 2019 and posts positive and informative messages on Facebook and Twitter. The NECs are in the development stage to produce training videos for new Program Directors that detail the application process which may eliminate deficiencies. The Licensing Division is following suit and developing a video explaining the equivalency application process which is time-consuming and difficult.

(This section encompasses our work on Recommendations 1, 5, 24, 25, 56, 57 and 58. Specific information on the individual Recommendations is on the attached matrix.)

CONCLUSION

This report represents a high-level summary of BVNPT's work over 2018 and the first half of the 2019 calendar year. We are proud to note that the Monitor's recommendations are all implemented or implemented with modifications. We are well-aware that 2019 and beyond entails intensive work to make these actions permanent and efficient. BVNPT notes that, in the latter half of 2019, we will prepare our next Sunset Report.

The entire BVNPT team would like to thank the Department of Consumer Affairs, the Division of Investigation, the Business, Consumer Services and Housing Agency, and the Members and Staff of the Assembly and Senate committees for their advice, support and assistance.

Most of all, the Executive Management team and the Board would like to thank the dedicated and talented staff of BVNPT, without whom none of this would be possible.

Note: In the following matrix, we highlighted items in the middle column in light green if a status change occurred since our January 2019 report. The right-hand column shows a brief summation of the actions taken by BVNPT to implement the recommendation.

Recommendation #	Status	Updates
<p>Rec 1: Critically review and overhaul Item No. 9 of the current Record of Convictions form to make it more readable and understandable and to reduce the frequency that license applicants misreport or over-report prior convictions (see also Rec. 5)</p>	<p>Implemented</p>	<p>February 2018: The Enforcement Chief (Chief) discussed amending the language in the current Record of Convictions Form with Legal. Due to the bodies of law contained in the form, the applicants are confused and overreport, causing unnecessary workload for Licensing and Enforcement. The Chief will meet with the Executive Officer (EO) and Licensing Division to discuss as the specific form is a Licensing Form.</p> <p>May 2018: Division of Investigations (DOI) met with BVNPT's legal counsel to discuss the proposed language. BVNPT's legal counsel is currently reviewing.</p> <p>September 2018: DCA Legal reviewed, revised, and approved the proposed language clarifying the Record of Convictions Form. However, due to the potential impact of AB 2138 (Chiu/Low), a revised Record of Convictions Form containing the approved language has not been published.</p> <p>December 2018: Implementation of AB 2138 will be in July of 2020. The Record of Conviction Form is scheduled for release January 1, 2019 with the approved language and the new Governor's name.</p> <p>June 2019: The Record of Conviction form was updated, and due to the BreEZe deployment schedule, implementation is delayed.</p>
<p>Rec 2: Develop and implement procedures to enable case intake staff to exercise judgment in determining whether to request records from law enforcement agencies and the courts for license</p>	<p>Implemented</p>	<p>February 2018: The assigned applicant technician exercises judgement in determining whether to request records from law enforcement agencies and courts for license applicants. The assigned technician makes a recommendation on a short form, then reviewed by a lead analyst. With the intake function pulled into a new business unit, the Enforcement Chief and DOI are working on formalizing a quality control process. (Partially Implemented)</p>

<p>applicant cases based on minor criminal offenses that occurred in the distant past and screen the cases to identify and close cases that do not require desk investigations.</p>		<p>May 2018: Desk procedures for the Applicant Technician have been updated to reflect this recommendation.</p> <p>June 2019: In an ongoing effort to maintain quality control, all desk procedures are regularly reviewed and updated.</p>
<p>Rec 3: Restructure and expand the Continuing Education (CE) Compliance Audit Program. Issue an initial standard form 30-day audit letter to a sample of at least 5 percent of renewing licensees in conjunction with issuing their license renewal notifications. If the licensee is non-responsive to the initial request, promptly issue a second/final request. If the license is non-responsive to the final request or confirms that they did not complete any (or completed very little) of the required CE, refer the case to Enforcement for issuance of a citation. Streamline the Certificate of Completion review process by limiting reviews of the documents in cases that appear to show full compliance with BVNPT's CE requirements</p>	<p>Implemented</p>	<p>February 2018: The EO and Board staff are reviewing audit process to identify improvements.</p> <p>May 2018: The EO and BVNPT staff have created a working group to review past CE Audit Program processes and are currently creating a proposed redevelopment of the program, to be launched before the end of 2018.</p> <p>August 2018: The working group continues restructuring the CE Audit Program with a mid-September deliverable outlining the number of licensees to be audited and the resources necessary to implement the audit. The five percent sample indicated in the Monitor's recommendation will most likely be a smaller number based on available resources in both the Education and Enforcement Divisions.</p> <p>December 2018: The Board anticipates launching the CE Audit in the first quarter of 2019.</p> <p>June 2019: We implemented the CE Audit in June 2019. Team members are cross-trained to back-up the primary licensing technician to ensure documents are processed timely. We developed new processes/procedures to include timelines and enforcement-related activities.</p>

<p>Rec 4: Assess the feasibility of imaging CE-related document submissions or enabling submission of the documents electronically.</p>	<p>Implemented with Modifications</p>	<p>February 2018: The EO and Board staff are reviewing audit process to identify improvements. The EO will provide an update at the May 2018 Board meeting. The recommendation requires Board staff meeting with BreEZe subject matter experts.</p> <p>May 2018: The EO has been in contact with third party vendors of CE Audit imaging and management services.</p> <p>September 2018: Based on BVNPT's fund condition, it is not feasible to contract with an outside vendor to image CE-related documents. The CE working group is researching budget-friendly methods to retain CE-related documents electronically.</p> <p>December 2018: The CE-related documents can be scanned into the licensee's BreEZe account for the audit period.</p>
<p>Rec 5: Critically review and overhaul Item No. 9 of the current Record of Convictions form to make it more readable and understandable and reduce the frequency that licensees misreport or over-report prior convictions when renewing their license (see also Recommendation IV-1). Develop additional programming for on-line renewals that requires confirmation when the "Yes" box is checked or to prevent further processing of the renewal application until other required fields providing</p>	<p>Implemented</p>	<p>February 2018: The first part of the recommendation ties to Recommendation #1. The Enforcement Chief had preliminary talks with its BreEZe subject matter expert. However, the Enforcement Chief and Board staff will reach out to DCA Office of Information Services (OIS) soon to discuss feasibility of this recommendation.</p> <p>May 2018: DCA Board legal is currently reviewing updated language for Item No. 9. Board staff will discuss the feasibility of a potential change at the next BreEZe User Group Meeting.</p> <p>September 2018: DCA Legal reviewed, revised and approved the proposed language clarifying the Record of Convictions Form. However, due to the potential impact of AB 2138 (Chiu/Low), a revised Record of Convictions Form containing the approved language has not been published.</p> <p>December 2018: Implementation of AB 2138 is July 2020. The Record of Conviction Form is scheduled for release January 1, 2019 with the approved language and the new Governor's name.</p>

<p>additional information about the self-reported conviction are completed.</p>		<p>May 2019: The Record of Conviction form was updated, and due to the BreEZe deployment schedule, implementation is delayed.</p>
<p>Rec 6: Work collaboratively with the AG to identify ways to increase BVNPT's utilization of the current Fast Track Pilot Program for licensee arrest/conviction report cases and other qualifying cases.</p>	<p>Implemented</p>	<p>February 2018: Per the Enforcement Monitor, the Board has implemented this recommendation.</p> <p>June 2019: The Fast Track Program has been expanded to include all Offices of the Attorney General statewide. Additionally, the Board initiated electronic transmission of cases to the Office of the Attorney General via the DCA Cloud.</p>
<p>Rec 7: Work collaboratively with the AG to identify ways to expand the Fast Track Pilot Program for licensee arrest/conviction cases and other qualifying cases to other geographic regions of the state.</p>	<p>Implemented</p>	<p>February 2018: Per the Enforcement Monitor, the Board has implemented this recommendation.</p> <p>June 2019: The Fast Track Program has been expanded to include all Offices of the Attorney General statewide. Additionally, the Board initiated electronic transmission of cases to the Office of the Attorney General via the DCA Cloud.</p>
<p>Rec 8: Develop and implemented a structured business process for screening licensee complaints to identify cases that do not require field investigations.</p>	<p>Implemented</p>	<p>February 2018: The Enforcement Division has created a new business unit called the Intake & Enhanced Screening Unit. 2 Associate Governmental Program Analysts (AGPA) have been redirected from the Complaint Unit to perform Enhanced Screening functions. Staff has been noticed of redirection and currently phasing out of previous unit workload.</p> <p>The Enforcement Chief and DOI are working to fully implement a structured business process. DOI is assisting Board staff in further breaking CPEI Category 3/4 and licensee complaints to solidify Intake Analyst training with regards to triaging cases suitable for enhanced screening. Procedures are currently being reviewed and amended. Furthermore, the Enhanced Screening functionality is not yet up and running. Support of the Enhanced Screening function will be done by DOI, as well as the Supervising Special Investigator I. (Not Implemented)</p>

		<p>May 2018: Desk procedures for the Intake Analyst have been created to reflect this recommendation. The Intake Analyst has been trained to screen all incoming complaints to determine what complaints do not require field investigations.</p> <p>June 2019: Cases that do not require field investigation are being assigned to the Enhanced Screening Unit for completion of a desk investigation. Desk procedures for all Intake and Enhanced Screening Unit processes are in the process of being updated to ensure and maintain quality control.</p>
<p>Rec 9: Restore processes for opening and investigating cases involving discipline by another state/agency. Develop and implement procedures to enable case intake or screening staff (or both) to review and not open new discipline by another state/agency cases or, alternatively, screen and close discipline by another state/agency cases that do not require completion of a desk investigation. Additionally, notify agencies providing "courtesy notices" to stop doing so if the information is available to BVNPT through BreEZe, from standard BreEZe reports, or the agency routinely posts the information to another professional licensing database</p>	<p>Implemented</p>	<p>February 2018: The Intake Analyst currently queries NURSYS (a nationwide database managed by the National Council of State Boards of Nursing) as required and addressed any cases involving discipline by another state. The Intake Analyst desk handles this portion, then when a case is identified, it is moved to the Complaint Unit.</p> <p>Cross-Discipline Reports are currently not being run and will be addressed immediately. BreEZe has automated reports that remove the need for courtesy notices from any BreEZe based boards. Furthermore, the previous regime requested that courtesy notices not be sent, as automation has provided most up to date discipline information. (Partially Implemented)</p> <p>May 2018: Desk procedures have been updated for Intake Analyst for NURSYS queries. The Intake Analyst queries NURSYS once per week.</p> <p>The Intake and Enhanced Screening Unit Manager has been running the cross-board discipline case report. Desk procedures have been developed and the Intake Analyst has been trained on this process. The Intake Analyst will run this report once a month and open cases accordingly.</p> <p>June 2019: Intake staff continues to review reports of discipline by other state Boards of Nursing and other DCA and CA state agencies to determine the</p>

that is otherwise queried by BVNPT.		appropriate course of action. The analyst quickly determines if the case is redundant and all redundant cases are closed at intake.
<p>Rec 10: Continue to refine licensee complaint case coding procedures and practices and provide training to staff to further improve the consistency and completeness of complaint records and the tracking and reporting of Enforcement Program workload, backlog and performance information.</p>	<p>Implemented</p>	<p>February 2018: Enforcement Chief along with DOI and Enforcement management team are revising procedures to validate best practices as it pertains to coding. Proper application will be reinforced in unit meetings. Enforcement Chief and Enforcement management team encourages staff to take BreEZe training as refresher as well as provide feedback if SOLID can provide Enforcement specific training.</p> <p>Enforcement Chief will be attending all BreEZe Enforcement meetings with pertinent staff to ensure all proposed changes are done in a matter most efficient to the Board. (Partially Implemented)</p> <p>May 2018: Procedures have been updated and provided to staff. In-house training has been provided to enforcement staff. Enforcement management continue to discuss case coding with staff during bi-weekly staff meetings and monthly one-on-one case review meetings. Enforcement management review individual analyst case reports monthly for quality control purposes.</p> <p>June 2019: Procedures are regularly updated to include new processes as well as revision to current processes.</p>
<p>Rec 11: Develop and implement processes for enhanced screening of licensee complaint cases that do not require field investigations.</p>	<p>Implemented</p>	<p>February 2018: A new business unit has been created in response to this recommendation to handle enhanced screening cases that do not require field investigations. While the structure of the unit has been formed, processes have not yet been fully developed. The Enforcement Chief along with DOI continue to lay out business processes in procedures. With staff being redirected, the Enhanced Screening desk has not been initiated. (Not Implemented)</p> <p>May 2018: One Complaints Unit AGPA has been redirected and has fully transitioned to the Enhanced Screening desk. DOI and the Intake and Enhanced Unit Manager have been training the AGPA on handling cases that</p>

		<p>do not require field investigations. Desk procedures have been created for this new process.</p> <p>June 2019: Enhanced Screening duties are now shared by three AGPAs who perform desk investigation along with Intake functions.</p>
<p>Rec 12: With limited exceptions, stop closing licensee complaint cases during intake without investigation and ensure supervisory reviews are completed of all licensee complaint cases closed during intake without investigation.</p>	<p>Implemented</p>	<p>February 2018: Per the Enforcement Monitor, the Board has implemented this recommendation.</p> <p>June 2019: Cases are reviewed at Intake by an AGPA. All analyst recommendations for closure are forwarded to a manager for review and final decision. Cases closed at intake are limited to non-jurisdictional, unactionable, or redundant cases.</p>
<p>Rec 13: Reopen licensee complaint cases previously closed during intake from February through May 2017 as determined appropriate by the Division of Investigation and assign the re-opened cases to BVNPT's Investigation Section or the Division of Investigation as determined appropriate by the Division of Investigation.</p>	<p>Implemented</p>	<p>February 2018: Per the Enforcement Monitor, the Board has implemented this recommendation. This represents a small number of cases overall.</p>
<p>Rec 14: Complete Division of Investigation reviews of all licensee complaint cases closed during intake from September 2016 through January 2017, re-open any</p>	<p>Implemented</p>	<p>February 2018: Per the Enforcement Monitor, the Board has implemented this recommendation. This represents a small number of cases overall.</p>

<p>cases previously closed during intake as determined appropriate by the Division of Investigation and transfer the re-opened cases to the Investigation Section or DOI as determined appropriate by the Division of Investigation.</p>		
<p>Rec 15: Assign currently pending licensee complaint intake cases to BVNPT's Investigation Section or DOI as determined appropriate by the Division of Investigation.</p>	<p>Implemented</p>	<p>February 2018: Per the Enforcement Monitor, the Board has implemented this recommendation.</p>
<p>Rec 16: Stop Pilot Project 2.0 involving the collection of releases and administrative/personnel records for newly received licensee complaint cases by Intake Unit staff and redirect Intake Unit staff to focus exclusively on completing case reviews, research and triage of newly received license complaint cases.</p>	<p>Implemented</p>	<p>February 2018: Per the Enforcement Monitor, the Board has implemented this recommendation.</p>
<p>Rec 17: Revise BVNPT's licensee complaint intake policies</p>	<p>Implemented</p>	<p>February 2018: Per the Enforcement Monitor, the Board has implemented this recommendation.</p>

<p>and procedures consistent with the above recommendations, provide training to Complaint Section staff to support implementation of the recommendations, and monitor implementation to assure that all recommendations are fully and consistently implemented.</p>		
<p>Rec 18: Locate or account for all cases shown in Breeze as Closed Pending Conviction and assign them for ongoing monitoring.</p>	<p>Implemented</p>	<p>February 2018: All closed pending criminal conviction (CLPX) cases have been re-opened and are currently being monitored.</p>
<p>Rec 19: Develop and implement positive internal controls to ensure that cases Closed Pending Conviction are monitored and tracked by staff on a continuing basis.</p>	<p>Implemented</p>	<p>February 2018: All CLPX cases have been re-opened. The CLPX code has been retired. A new follow-up code has been created called CCCA (Criminal Case Follow-Up). (Not implemented).</p> <p>May 2018: All cases pending conviction are now left open until adjudicated. New procedures have been developed and implemented. Board analysts now follow up with the courts monthly and use the BreZE code CCCA to record their activity.</p>
<p>Rec 20: Reopen and further investigate Investigation Section cases closed with a NOW during early-2017 as determined appropriate by the Division of Investigation.</p>	<p>Implemented</p>	<p>February 2018: Per the Enforcement Monitor, the Board has implemented this recommendation. This represents a small number of cases overall.</p>

<p>Rec 21: Complete Division of Investigation reviews of all Investigation Section cases closed since mid-May 2017.</p>	<p>Implemented</p>	<p>February 2018: Per the Enforcement Monitor, the Board has implemented this recommendation.</p>
<p>Rec 22: Transfer all Citation Program responsibilities to the Discipline Section.</p>	<p>Implemented</p>	<p>February 2018: Per the Enforcement Monitor, the Board has implemented this recommendation.</p> <p>June 2019: The Citation and Fine analyst conducted a comprehensive audit to ensure compliance and, in cases where non-compliance is identified, the matter is referred to the Franchise Tax Board for collection through the Intercept Program.</p>
<p>Rec 23: Temporarily redirect one experienced (1) Special Investigator (SI) to complete reviews of pending AS05 cases, triage the cases for discipline, prepare case summaries, and refer the cases for issuance of a NOW, citation or to the AGO, as appropriate. Provide a 2nd level supervisory level reviewer for all closed cases. Utilize Discipline Section staff, as needed, to assist in preparing and submitting discipline packages to the AGO. Improve internal controls and reporting for monitoring the status of these cases and develop procedures for expediting reviews in cases where the responsible</p>	<p>Implemented w/modifications</p>	<p>February 2018: This recommendation was completed to address the initial AS05 (secondary case review) holdover. Due to lack of resources, redirection of a SI was not feasible. DOI staff assisted the Board to complete review of AS05 cases, triage the cases for issuance of a NOW, citation, or transmittal to the AG.</p> <p>Discipline Unit dedicated resources during this time to expedite transmittals to the AG. With the redirection of Complaint AGPAs, the Enforcement management team along with DOI are handling AS05 secondary case reviews.</p> <p>The Board will work with DOI and the SI Unit to develop procedures to flag completed investigations of high profile and/or confirmed egregious violations to ensure an expedited review by Board analysts and timely referral to the AG for disciplinary action. (Partially Implemented with Modifications)</p> <p>May 2018: The Intake and Enhanced Screening Unit Manager and Intake Analysts have been trained to identify serious cases and ensure that these cases are investigated promptly, to track and monitor the status of the investigations, and to ensure that the completed investigation reports are reviewed by staff quickly and routed appropriately.</p>

<p>investigator believes there is an imminent risk of consumer harm.</p>		<p>June 2019: A Discipline analyst was assigned to address and resolve the backlog of cases pending transmittal to the Office of the Attorney General.</p>
<p>Rec 24: Modify the Quarterly Enforcement Workload and Performance Report format to more consistently distinguish between license applicant cases, licensee subsequent arrest/conviction report cases, licensee complaint cases, and CE audit failure cases. Additionally, align the Quarterly Report Data with data provided in the Division's Monthly Statistical Reports. Provide both Quarterly and Monthly Reports to the Enforcement Committee within 10 days following each reporting period.</p>	<p>Implemented</p>	<p>February 2018: Per the Enforcement Monitor, the Board has implemented this recommendation.</p> <p>June 2019: The Enforcement Division monthly and quarterly statistical reports were revised with the assistance and input of the Enforcement Monitor to capture all relevant data points.</p>
<p>Rec 25: On an annual basis, develop goals for each of the workload and performance measures listed on the Quarterly Enforcement Workload and Performance Report and include the goals in all quarterly reports.</p>	<p>Implemented</p>	<p>February 2018: The Board has not developed goals for each of the workload and performance measures listed on the Quarterly Enforcement Workload and Performance Report. With the development of a more robust reporting system, the Board can now work to implement this recommendation.</p> <p>May 2018: Enforcement managers have proposed enforcement goals, which will be discussed and further developed at the next Enforcement Committee Meeting.</p> <p>September 2018: The new Enforcement Chief is meeting with the Enforcement Managers to ensure the proposed goals accurately reflect the</p>

		<p>workload and performance measures listed on the Quarterly Enforcement Workload and Performance Report.</p> <p>December 2018: The Enforcement Division Chief is meeting with the Enforcement Managers to continuously monitor and revise the goals of the respective units as needed.</p>
<p>Rec 26: Continue to redirect and consolidate available resources as needed to enable additional screening and completion of on-line public complaints and licensee complaints that do not require field investigation.</p>	<p>Implemented</p>	<p>February 2018: The Board has reclassified a vacant SI to a Staff Services Manager I (SSMI) position to oversee the Intake & Enhanced screening unit. The Board has also redirected staff to handle the Enhanced Screening desk. The Enforcement Chief will evaluate whether redirection and consolidation of resources is further needed in the future as workload dictates. (Partially Implemented)</p> <p>May 2018: The Board has filled the newly created SSMI position. The Board has also redirected one AGPA from the Complaints Unit to work solely on complaints that do not require field investigation. The Board will continue to evaluate and redirect staff and consolidate resources as needed.</p>
<p>Rec 27: Continue to utilize available blanket expenditure authorization funding to maintain the availability of a full-time AGPA position to serve as a Lead Analyst for the Intake Unit and provide complaint screening and second level intake and complaint screening review services.</p>	<p>Implemented</p>	<p>February 2018: Per the Enforcement Monitor, the Board has implemented this recommendation.</p>
<p>Rec 28: Modify classification of Intake unit's authorized permanent Staff Services Analyst (SSA).</p>	<p>Implemented with modifications</p>	<p>February 2018: After further evaluation, the Acting EO modified this implementation. Two AGPAs were redirected out of the Complaints Unit instead.</p>

		<p>The Enforcement Chief is working with OHR to approve the modified AGPA duty statements.</p> <p>May 2018: Upon further review of Enforcement Program staffing needs, only one AGPA was redirected from the Complaint Unit to the Intake Unit. Additionally, one SSA was redirected to the Discipline Unit to streamline the discipline process.</p>
<p>Rec 29: Reclassify a currently vacant Special Investigator position to SSM I and redirect the position to serve as a Manager for the new Intake, Screening, Discipline Review and Enforcement Support Section (see Final Recommendation 36).</p>	<p>Implemented</p>	<p>February 2018: The vacant SI position has been reclassified to a SSM I per approval by DCA Office of Human Resources (OHR). A candidate pool has been identified and interviews will commence middle of February. (Partially Implemented)</p> <p>May 2018: The new manager was hired and started on March 5, 2018.</p>
<p>Rec 30: As Investigation Section case backlog and new case assignments decrease, redirect vacant positions to address current Enforcement and BVNPT needs.</p>	<p>Implemented</p>	<p>February 2018: A vacant SI position was moved to the Intake & Enhanced Screening unit to meet business needs. The EO and Enforcement Chief continue to evaluate workload needs.</p> <p>May 2018: The EO and Enforcement Division continue to monitor and evaluate workload needs.</p> <p>September 2018: Since the backlog and new case assignments are holding steady, this is considered implemented. All staffing in the Enforcement Division is monitored monthly and positions will be redirected as needed.</p>
<p>Rec 31: Transfer the Reinstatement Analyst position and related Petition for Reinstatement responsibilities to the Probation Section and</p>	<p>Implemented with modifications</p>	<p>February 2018: The Enforcement Chief modified the initial recommendation and did not transfer the Reinstatement Analyst. The Enforcement Chief and Discipline Unit Manager have one Discipline Analyst working a 50/50 time split, supporting in other areas of Probation until visible decrease in workload. Refer to Rec. 35. (Partially Implemented with Modifications)</p>

<p>assign the Reinstatement Analyst a limited probation monitoring caseload as a supplement to their Petition for Reinstatement cases (e.g., monitoring of some of the Probation Section's Year 3 probationers) or continue utilizing other Discipline Section staff to monitor some probationers until monitoring caseloads decrease to lower levels.</p>		<p>May 2018: The Board is utilizing Retired Annuitants to assist the Probation Units as needed.</p>
<p>Rec 32: Upgrade the Enforcement Division's Data Quality Control and Statistical Reporting Analyst position to the AGPA level and redirect the position and associated data quality control and reporting responsibilities to the Intake, Screening, Discipline Review and Enforcement Support Section (see Final Recommendation 36).</p>	<p>Implemented</p>	<p>February 2018: The Enforcement Chief is working with DCA OHR to approve modified duty statement. (Implemented)</p> <p>May 2018: The position was upgraded. Applications are currently being screened and interviews will be scheduled soon.</p> <p>June 2019: The Enforcement Division's Quality Control and Statistical Reporting Analyst position was filled in October 2018.</p>
<p>Rec 33: Redirect and consolidate available resources as needed to support expansion of the CE Audit Program. Consider transferring responsibility for auditing</p>	<p>Implemented</p>	<p>February 2018: The EO and Board staff are reviewing audit processes to identify improvements. The EO will provide an update at the February 2018 Board meeting. Refer to Rec. 3</p>

<p>compliance with BVNPT's CE requirements and the CE Compliance Audit Specialist position to the Discipline Section and utilizing Discipline Section staff to aid with completing additional compliance reviews.</p>		<p>May 2018: The EO and Board staff continue to hold working group meetings to develop a plan to develop and launch a new CE Audit program before the end of 2018.</p> <p>December 2018: The reorganization of the Licensing Division supports the CE audit functionality. The Discipline Section will be responsible for the Cite/Fine component of the audit.</p> <p>June 2019: The Licensing Division implemented the CE Audit June 3, 2019. We started the audit based on the number of staff available to successfully process the incoming documents. Cross-training ensures that the documents are processed timely. In those cases where non-compliance is identified, the matter is referred to the Discipline Unit's Citation and Fine Program for issuance of a citation and fine.</p>
<p>Rec 34: Assign some probation monitoring cases to the Section Manager until monitoring caseloads decrease to lower levels.</p>	<p>Implemented</p>	<p>February 2018: The Probation Unit Manager has taken a reduced caseload to assist staff.</p>
<p>Rec 35: To address elevated Probation Program workload demands for the next 12 to 18 months, continue to utilize Temporary Help to augment Probation Section staffing. Subsequently, as probation monitoring caseloads decrease because of either a decrease in the probationer population or redistribution of probation monitoring cases among other Probation Section staff, begin</p>	<p>Implemented</p>	<p>February 2018: The Probation unit is currently training its retired annuitants to handle limited caseload, cost recovery, as well as assist Probation staff at an administrative level.</p> <p>If Probation workload decreases, as the Enforcement Monitor predicts, the Enforcement Chief and EO will discuss reduction of Temporary Help services. (Partially Implemented)</p> <p>May 2018: Retired Annuitants currently handle a limited case load and assist Probation staff as needed.</p> <p>June 2019: The Retired Annuitants continue to be vital to the success of the Probation Program.</p>

<p>reducing the Section's utilization of Temporary Help services.</p>		
<p>Rec 36: Establish a new Intake, Screening, Discipline Review and Enforcement Support Section. Transfer all Complaint Section Intake Unit staff and associated responsibilities to the new Section. Transfer one (1) of the Complaint Section's other Lead Analysts and the Section's discipline review responsibilities to the new Section. Transfer the Division's Data Quality Control and Statistical Reporting Analyst position and associated responsibilities to the new Section.</p>	<p>Implemented with modifications</p>	<p>February 2018: The Intake & Enhanced Screening Unit has been formed. Upon approval from the Acting EO, this recommendation has been modified; two lead analysts have been redirected instead of the one as originally recommended.</p> <p>A vacant SI was reclassified to a SSMI to oversee the new unit. Furthermore, the Division's Data Quality Control reporting desk's duty statement is still under review with DCA OHR.</p> <p>May 2018: The new unit has been formed. Upon reassessing the workload, only one AGPA was redirected from the Complaint Unit to work cases that do not require field investigation. The SSMI position was approved and the new manager started April 9, 2018.</p> <p>September 2018: OHR approved the Division's Data Quality Control positions duty statement. Interviews were held in August for this position which was vacated when the incumbent was promoted to the SSM I position in April 2018.</p> <p>June 2019: The Intake and Enhanced Screening Unit is fully formed and functioning. The unit is responsible for all intake, enhanced screening, data quality control, and statistical reporting. Two AGPAs were transferred to the unit to perform enhanced screening and desk investigation duties.</p>
<p>Rec 37: Repeal Section 2847.8(b) requiring that the Board submit a specified report to DCA in advance of each meeting specified in Section 2847.8(a).</p>	<p>Implemented</p>	<p>February 2018: Board staff will reach out to the Department to assist in making legislative changes.</p> <p>May 2018: Board staff is working on bill language to present to Department for legislative changes.</p>

		<p>September 2018: This was not accomplished in the 2018 legislative session. BVNPT will continue to work with the Department to determine if a statutory change is necessary.</p> <p>June 2019: This section sunsets on the natural on January 1, 2020. Additional legislation is not necessary.</p>
<p>Rec 38: DCA and the Division of Investigation should continue to provide enforcement-related management, supervisory, technical support and training services for at least the next 3 to 6 months and until BVNPT's Leadership and Enforcement Program Management Teams are fully rebuilt and sufficiently trained to enable more autonomous management of the Enforcement Program. During this transition period, the Enforcement Division's Management Team should seek out and accept direction from the Division of Investigation's more knowledgeable and experienced staff with respect to identifying needs for and implementing changes needed to enable improved Enforcement Program performance.</p>	<p>Implemented</p>	<p>February 2018: With the chaptering of AB 1229, DOI has an emphasized presence with the Board, providing support to BVNPT's Enforcement Division. With a new SSI, DOI has committed itself to assisting transition. Furthermore, DOI is assisting in the development of the new Intake & Enhanced Screening Unit.</p> <p>DCA Executive Office has provided staff to serve as a transition to the new EO. DCA staff continue to provide leadership and executive management pending the appointment of the AEO. (Partially Implemented)</p> <p>May 2018: DOI staff have continued to oversee the Enforcement Program and have focused on implementing the Enforcement Monitor's recommendations. DOI staff have continued to train Enforcement Program staff and participate in the hiring of new Enforcement Program staff.</p>

<p>Rec 39: BVNPT should request additional support from the Department of Consumer Affairs or through recruitment of a Retired Annuitant with prior executive management experience to bolster BVNPT's Leadership Team capabilities until a permanent Executive Officer and a permanent Assistant Executive Officer (AEO) are appointed.</p>	<p>Implemented</p>	<p>February 2018: The Governor appointed BVNPT's EO as of January 22, 2018. An Acting EO served from January 2- 19 and remained with BVNPT to assist in the transition of EO Elaine Yamaguchi. DCA Executive Office continues to lend staff to support in an executive management role. (Partially Implemented)</p> <p>May 2018: The DCA Executive Office continues to support BVNPT Executive Staff and all facets of program functions. An Assistant Executive Officer was hired and started March 1, 2018.</p>
<p>Rec 40: Appoint a seasoned Executive Officer to the Board that has prior executive-level management experience, preferably with other California State Government regulatory programs, and including demonstrated success turning around other troubled programs or organizations. Additionally, when making this appointment, consider the candidate's management style and willingness and ability to work collaboratively with DCA.</p>	<p>Implemented</p>	<p>February 2018: The Governor appointed Elaine Yamaguchi as EO.</p>
<p>Rec 41: When appointed, BVNPT's Executive Officer and Assistant Executive Officer should review the Board's</p>	<p>Implemented</p>	<p>February 2018: The EO, with support from DCA's Executive Office, reviewed BVNPT's organizational structure and is making changes to establish best business practices with regards to the different AGPA positions in Education, Licensing and Administration Business Units.</p>

<p>needs for all the different AGPA positions currently allocated to BVNPT's Education, Licensing and Administration Business Units.</p>		<p>May 2018: With the hire of AEO Vicki Lyman, who started on March 1, 2018, the Executive Team continues to review BVNPT's staffing needs, and is in communication with OHR on developing current and possible new positions.</p> <p>September 2018: All AGPA positions as well as all existing positions in BVNPT have been reviewed by the EO and AEO to determine if the positions are correctly allocated within BVNPT.</p>
<p>Rec 42: BVNPT's Enforcement Chief should become more actively and directly engaged in addressing issues contributing to poor workforce morale and discontent within the Complaint Section, including needs for additional training and support for the Section Manager targeted to developing (1) more effective working relationships with subordinate staff and (2) a better understanding of the nature of the Section's enforcement cases, how the cases are investigated, the Section's case handling and review processes, and how BreEZe works (e.g., by working some of the licensee arrest/conviction report cases assigned to the Section).</p>	<p>Implemented with modifications</p>	<p>February 2018: The Enforcement Chief meets regularly with the Complaint Unit Manager to discuss workload as well as address issues regarding discontent and morale. With the redirection of lead staff to the Intake & Enhanced Screening Unit, Complaint Unit Manager has taken over lead duties. The Complaint Unit Manager has assigned herself caseload to assist staff. (Partially Implemented)</p> <p>May 2018: The Enforcement Chief separated from the Board on March 15, 2018, prior to the completion of his probationary period. Interviews for the new Enforcement Chief are currently being conducted. The Complaint Unit Manager also separated from the Board on April 30, 2018, prior to the completion of her probationary period. The new Intake and Enhanced Screening Unit Manager has taken over Complaint Unit Management Duties. The New Manager was an internal promotion and is a BreEZe SME for BVNPT.</p> <p>June 2018: Board staff, in partnership with the Department, conducted interviews and hired a new Enforcement Chief. The new Enforcement Chief will start at the Board in August. The Board will then conduct an onboarding process to ensure continued implementation of Enforcement-related recommendations.</p> <p>September 2018: The new Enforcement Chief started August 20, 2018 and has set up one-on-one meetings with the Enforcement Managers and team members. The Enforcement Chief was in a similar role with another DCA Board and has years of experience managing enforcement teams.</p>

<p>Rec 43: The Division of Investigation should continue to conduct individual case reviews on at least a semi-monthly basis with each of the Investigation Section's investigators. For training and development purposes, the Enforcement Chief and the Investigation Section Manager, when appointed, should participate in most (or all) of these reviews for at least the next 6 to 12 months and, over time, Enforcement Division management should assume responsibility for completing these reviews. The frequency and duration of the reviews should be regularly adjusted as appropriate to each investigator's development needs.</p>	<p>Implemented with modifications</p>	<p>February 2018: This recommendation has not been implemented. DOI will work with the SSI and Enforcement Chief to assist with regular case review. (Not Implemented)</p> <p>May 2018: The Enforcement Chief separated from the Board on March 15, 2018, prior to the completion of his probationary period. The Supervising Special Investigator and the Division of Investigation continue to conduct individual case reviews on a semi-monthly basis with the Special Investigators.</p> <p>June 2018: Board staff, in partnership with the Department, conducted interviews and hired a new Enforcement Chief. The new Enforcement Chief will start at the Board in August. The Board will then conduct an onboarding process to ensure continued implementation of Enforcement-related recommendations.</p> <p>September 2018: The new Enforcement Chief, Candace Raney, started August 20, 2018. She and DOI are scheduling meeting case review meeting with the Supervising Special Investigator and Special Investigators. This is an ongoing process.</p> <p>June 2019: The Supervising Special Investigator conducts monthly case review meetings with each Special Investigator.</p>
<p>Rec 44: Continue to provide Enforcement Division staff with formal classroom type training as needed to bolster their knowledge, skill, and abilities.</p>	<p>Implemented</p>	<p>February 2018: Per the Enforcement Monitor, the Board has implemented this recommendation.</p>
<p>Rec 45: Utilize DOI to support initial training of newer investigators.</p>	<p>Implemented</p>	<p>February 2018: DOI has committed itself to assisting the SI unit, providing guidance and direction to the Enforcement Chief as well as the newly appointed SSI.</p>

		<p>May 2018: DOI has provided training and support to the newly hired Supervising Special Investigator. DOI is also involved in the hiring process of the two vacant Special Investigator positions.</p> <p>August 2018: DOI continues to provide support and training to the Supervising Special Investigator and Special Investigators.</p> <p>September 2018: This recommendation is considered implemented as DOI is committed to providing ongoing support and training to the Supervising Special Investigator and Special Investigators.</p>
<p>Rec 46: Utilize AG Liaison services at a higher level for a limited period to provide additional on-site applied technical assistance and training to BVNPT's investigators.</p>	<p>Implemented with modifications</p>	<p>February 2018: The Enforcement Chief will explore enhancing communication with the AG Liaison. The bulk of communication with the AG Liaison comes from the Discipline Unit. The Enforcement Chief will reach out to the AG Liaison to explore classroom training as well as on-site technical assistance. (Not Implemented)</p> <p>May 2018: The EO and AEO, the Board's Legal Counsel, and DOI met with representatives from the AG's Licensing Section to discuss developing future training for Board Staff as well as scheduling a recurring meeting between the AG and the Board.</p> <p>September 2018: This is considered implemented as DOI and the AG's Licensing Section are committed to provide training on an as-needed basis. The new Enforcement Chief is committed to maintaining this relationship with DOI and the AG's office.</p>
<p>Rec 47: Establish an Interagency Work Group comprised of representatives of the Business, Consumer Services and Housing Agency, the</p>	<p>Implemented with modifications</p>	<p>February 2018: The EO will reach out to relevant entities to discuss feasibility of this recommendation.</p> <p>May 2018: The EO has discussed this recommendation with representatives from the BCSH Agency and will continue discussions with all the parties.</p>

<p>Department of Consumer Affairs, the Senate Committee on Business, Professions and Economic Development, the Assembly Committee on Business and Professions, and BVNPT's governing Board to assess needs for development of a 360-degree Executive Officer feedback process and, if needed, the best approach and timeframe for developing and implementing the process.</p>		<p>September 2018: The EO continues discussion on this recommendation.</p> <p>June 2109: DCA's Boards and Bureau Services agreed to initiate an electronic survey as a 360-degree Executive feedback tool. The survey will be sent to the Governor's Office, Agency, DCA Executive Staff, other Executive Officers within DCA, BVNPT Board Members, the Senate Committee on Business, Professions and Economic Development, the Assembly Committee on Business and Professions, unions representing the BVNPT licensing populations and other stakeholders. Because of time constraints and the difficulties scheduling this diverse group, it was concluded that an electronic survey is the best method to obtain a thorough assessment.</p>
<p>Rec 48: Complete required Probation Reviews for all new or internally promoted staff within the timeframes specified by CalHR and, on an annual basis, complete Annual Performance Reviews and Individual Development Plans for all other BVNPT managers and staff.</p>	<p>Implemented</p>	<p>February 2018: BVNPT has not been compliant with completing IDPs, probation reports on all staff within the timeframes specified by CalHR. This issue will be addressed and prioritized.</p> <p>May 2018: The AEO is working with all managers to complete all pending probation reports and develop and implement Annual Performance Reviews and Individual Development Plans for all BVNPT staff. (Partially Implemented)</p> <p>August 2018: Policies and procedures have been put in place, and all staff are currently receiving Probation Reviews and Annual Reviews within the timeframes specified by CalHR. Individual Development Plans are completed when requested by staff per CalHR guidelines.</p>
<p>Rec 49: The Enforcement Chief should maintain open lines of communication and meet periodically with counterparts at the Division of Investigation and the Office of Attorney General to jointly develop and</p>	<p>Implemented</p>	<p>February 2018: The Enforcement Chief and the Enforcement management team communicate regularly with DOI regarding Enforcement related processes to discuss strategies on improving BVNPT's Enforcement program. Examples include discussion on issuances of NOWs, AG transmittal cases, investigative methodology, etc.</p>

<p>implement strategies to further reduce BVNPT case backlogs and the amount of time needed to complete investigations and impose discipline when supported by results of the investigations.</p>		<p>The Enforcement Chief communicated with the DAG liaison mostly regarding viable discipline cases on a case-by-case basis. However, communication can be enhanced.</p> <p>The Enforcement Chief will be emphasizing communication with DOI/AG to evaluate strategies to assist in Enforcement Division's timelines and backlog.</p> <p>May 2018: DOI and the Board have established regularly occurring quarterly meetings. Regularly occurring meetings with the AG are currently being scheduled.</p> <p>September 20, 2018: The new Enforcement Chief started August 20, 2018 and will establish ongoing communication with the AG's Office and DOI and implement strategies to reduce case backlogs.</p> <p>December 2018: The Enforcement Chief is actively engaged with the AG's Office and DOI regarding strategies to reduce case backlog.</p>
<p>Rec 50: BVNPT's Enforcement Chief should work collaboratively with DCA and other DCA-affiliated healing arts boards to develop and implement strategies for further improving awareness among OSLTCO's staff and volunteers, and the patients that they serve, regarding their respective Licensing and Enforcement Programs, including participating every few years in an OSLTCO conference.</p>	<p>Implemented</p>	<p>February 2018: The Enforcement Chief has presented alongside DOI and the Medical Board at the OSLTCO conference, encouraging increased partnerships with the Board and the Ombudsman. This was the first occasion BVNPT had the opportunity to present.</p> <p>The Enforcement Chief will reach out to similar DCA affiliated healing art boards to see if strategies can be shared to increase outreach and awareness.</p> <p>May 2018: The Enforcement Chief separated from the Board on March 15, 2018, prior to the completion of his probationary period. Onboarding of the new Enforcement Chief will include the include introduction to the OSLTCO and reinforcing the need for the continued relationship with OSLTCO.</p> <p>June 2018: Board staff, in partnership with the Department, conducted interviews and hired a new Enforcement Chief. The new Enforcement Chief will start at the Board in August. The Board will then conduct an onboarding</p>

		<p>process to ensure continued implementation of Enforcement-related recommendations.</p> <p>September 2018: The new Enforcement Chief started August 20, 2018 and is committed to full implementation of this recommendation</p> <p>June 2019: The Enforcement Division Chief is working collaboratively with DCA and other DCA-affiliated healing arts boards to foster collaboration and cooperation amongst the boards. The Chief is in the process of identifying opportunities for implementing strategies as recommended.</p>
<p>Rec 51: Consistently provide all new Board members with substantive New Board Member Orientations and related training and reference materials specific to BVNPT's Enforcement Program, and other BVNPT programs and services, that complements the Board Member Orientation Training (BMOT) provided by DCA and helps new members to better understand and fulfill their program oversight, strategic planning, policy development, Executive Officer performance evaluation and other responsibilities. Require that all new members attend two (2) days of orientation training and offer an optional follow-up day of training to new members within 3 to 6 months</p>	<p>Implemented with modifications</p>	<p>February 2018: The Board has revamped its training for Board members and will continue to do so with its newest Board members. A Power Point presentation has been developed for each respective unit, detailing business processes, workflow, etc. Furthermore, the EO will reach out to DCA's Office of Board and Bureau Services, inviting staff to observe and provide feedback.</p> <p>May 2018: The two newest Board Members, who had not been afforded the opportunity to engage in the BVNPT-specific training and orientation are scheduled to come to Sacramento on June 4, 2018 for this training. Following this, all Board members will be offered the opportunity to come to the BVNPT offices for training.</p> <p>September 2018: The two newest Board members received BVNPT specific training/orientation. This training was not videotaped. BVNPT is developing a comprehensive PowerPoint presentation that can be used for new and veteran Board members that complements the BMOT training provided by DCA. Updated reviews/evaluations/audits of BVNPT's audits are shared with the Board's Executive Committee and any relevant Board Committee. This is considered implemented as this is an ongoing process as new Board member are appointed. BVNPT scheduled Board members for training sessions with DCA's SOLID team to begin developing a new strategic plan. The trainings will commence late September/early October with a comprehensive, 4-hour training at the November 2018 Board meeting.</p>

<p>of completion of the initial training. Have a representative of DCA participate in the BVNPT-specific orientations to help integrate the training with DCA's BMOT training, particularly with respect to helping the member understand and fulfill their oversight responsibilities. Update the reference materials provided to Board members to include recently completed reviews, evaluations or audits of BVNPT's programs or operations that would be beneficial for purposes of better understanding the Board's historical development and problems currently facing the Board and provide the members with an overview of the information contained in each of these documents.</p>		
<p>Rec 52: In collaboration with DCA, develop and provide BVNPT Board members with a How to Oversee Board Licensing, Education and Enforcement Programs training session and videotape the session so that it can be</p>	<p>Implemented with modifications</p>	<p>February 2018: The EO will be reaching out to DCA to discuss implementation of this recommendation.</p> <p>May 2018: The first step of this goal was taken on May 16, 2018, where the Board Members were provided training on the Enforcement Case Management processes.</p> <p>September 2018: The EO/AEO concluded that rather than videotaping the training, it should be updated on a regular basis as the needs of the Board</p>

<p>provided to new Board members on a continuing basis.</p>		<p>change. With this modification, new Board members will have the most up-to-date training. A comprehensive PowerPoint presentation is being developed with input from DCA's Boards and Bureaus Services Office.</p>
<p>Rec 53: Better define the Enforcement Committee's roles and responsibilities, including roles and responsibilities related to (1) overseeing the Board's Enforcement Program and (2) communicating Enforcement Program-related information to the full Board to support fulfillment of the Board's strategic planning, policy development, Executive Officer performance evaluation and other responsibilities. Consider better defining the roles and responsibilities of other Board committees, where necessary.</p>	<p>Implemented</p>	<p>February 2018: Partially Implemented per the Enforcement Monitor.</p> <p>May 2018: The Board President has initiated discussion with the Board Members regarding possible restructuring and official charges of the Board's committees.</p> <p>September 2018: The Board's Executive Committee is redefining each Committee structure with respect to the Committee's roles and responsibilities and how the Committees communicate with the Board. The Board is meeting with DCA's SOLID group at the November 2018 Board meeting to begin developing their new strategic plan.</p> <p>June 2019: The Board is committed to restructuring all Committees and ensuring that the strategic plan accurately reflects the work of the Board.</p>
<p>Rec 54: Provide briefings to Enforcement Committee members, initially on at least quarterly basis, to provide information regarding case intake, investigation and discipline workloads, backlogs, and performance, performance improvement initiatives underway and planned, policy matters, and other matters as</p>	<p>Implemented</p>	<p>February 2018: The Enforcement Chief sends quarterly enforcement statistics providing a narrative on key performance measures.</p> <p>The Enforcement Chief provides the Enforcement Committee relevant materials in advance of meetings and further exploring strategies to assists the Committee understand trends, ongoing and emerging problems, and changes underway.</p> <p>The Enforcement Chief and Board staff will be revamping its reporting documentation to align with sample Exhibits provided by the Enforcement Monitor. (Partially Implemented)</p>

<p>determined by the Committee. Assist members in understanding the information that is provided by highlighting trends, ongoing and emerging problems, and changes underway and planned to address these problems and improve Enforcement Program performance.</p>		<p>May 2018: Board staff have developed a robust report with the assistance of the Enforcement Monitor. This information is provided to the Enforcement Committee on a quarterly basis.</p>
<p>Rec 55: Legislation to provide EO authority to approve default decisions.</p>	<p>Implemented</p>	<p>February 2018: Board staff is monitoring progress of AB 888 and will report directly to the EO. In addition, Board staff will discuss with pertinent Committee with regards to taking a position at the February Board meeting.</p> <p>May 2018: The Board continues to discuss AB 888.</p> <p>June 2018: AB 888 was gutted and amended and is no longer relevant to BVNPT. The EO will seek direction from the Board on how to address this issue in the next legislative cycle.</p> <p>June 2019: At the February 2019 Board meeting, the Board instructed the EO to work with DCA Legislative Affairs and solicit an author to carry legislation whereby the EO has the authority to approve default decisions.</p>
<p>Rec 56: Update the public documents available from BVNPT's website to include all the Board's reports to the Legislature related to its March 2017 Sunset Review, all of the Monitor's reports, and other publications and information</p>	<p>Implemented with modifications</p>	<p>February 2018: Board staff is continually updating the website to ensure all pertinent documents are available for public consumption. Sunset Review reports, Enforcement monitor reports are available on BVNPT's website.</p> <p>May 2018: In addition to the above, the EO and AEO have engaged in discussions with the DCA Communications office about BVNPT's publications, social media presence, and messaging.</p>

<p>that should be readily available to all Board members and the public such as BVNPT Strategic Plans and Enforcement Program Quarterly Statistical Reports.</p>		<p>June 2019: As of July 1, 2019, DCA's Chief Information Technology Officer must certify that ALL DCA websites are compliant per the Americans with Disabilities Act (ADA). To accomplish this BVNPT must remove non-compliant information from its website and make all posted documents ADA compliant. This process can take years and documents will be made ADA compliant based on priority. All future documents will be ADA compliant before posted to the website.</p>
<p>Rec 57: To enable prompt identification of emerging problems and potential needs for DCA to conduct more in-depth reviews and evaluations of BVNPT's licensing processes, DCA should request and review monthly statistical reports from BVNPT regarding BVNPT's cashiering and licensing workloads, backlogs and processing times. DCA should request that the monthly statistical reports be provided to DCA within five (5) business days of the end of each month.</p>	<p>Implemented</p>	<p>February 2018: The EO is communicating with the Department to implement this recommendation.</p> <p>May 2018: DCA Executive Staff, Office of Information Services (OIS) and Board staff met on May 10th for review processing times. OIS provided demo of reports available through its reporting tool, QBIRT. Moving forward, BVNPT licensing staff will utilize these reports to evaluate staff workload and processing times. BVNPT and the Department will continue to meet on a quarterly basis to discuss processing times and workflow. Additionally, staff from the Department's SOLID Organizational Change Management (OCM) team will begin working with BVNPT's licensing and administrative teams on process improvement (per AB 1229) in the early Fall. BVNPT management and staff met with staff from the Department's Executive Office and Fiscal Operations unit on February 27, 2018 to review and discuss BVNPT cashiering reports. Department cashiering staff has provided template reports for BVNPT cashiering staff to complete and report back on. BVNPT and Department will continue to meet as necessary to ensure that BVNPT cashiering processing times are within acceptable timeframes. Unlike the past two years, it is hoped that BVNPT will most likely not require assistance from the Department's Fiscal Operations unit to complete all cashiering transactions prior to the end of the fiscal year.</p> <p>September 2018: Regarding licensing processes, the Department has provided the Board with all the relevant licensing statistics. A meeting will be scheduled in October to provide a more in-depth analysis of the numbers. Regarding cashiering, the Department has been reviewing the Board's</p>

		<p>cashiering process on a quarterly basis. The Department has determined that processing times are meeting expectations with no known backlogs.</p> <p>December 2018: DCA has worked with BVNPT leadership to examine the Board’s cashiering and licensing workloads, backlogs, and processing times. Regarding cashiering, the department determined that BVNPT has significantly improved internal cashiering processing time, reducing processing down from 30 days in 2017 to 4 days in 2018. Regarding licensing, the department determined that BVNPT also improved on key metrics, such as application and examination timelines. The department will continue to work with Board staff throughout 2019 to routinely examine cashiering and licensing workloads.</p>
<p>Rec 58: DCA’s Internal Audits Office or the Division of Investigation should conduct a follow-up review of BVNPT’s Temporary License issuance processes to verify that the measures taken during March to prevent improper issuances of Temporary Licenses remain in place.</p>	<p>Implemented</p>	<p>February 2018: DCA Internal Audits Office has reviewed this process as part of the 360-day review. Board staff will communicate with DCA Internal Audits Office to review and address findings. An additional update will be provided at the May Board meeting.</p> <p>May 2018: The EO and AEO have met with the Internal Audits Office and reported all the steps implemented by the Administration Manager and staff. No further corrections were required.</p>