



BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR

**Executive Office**

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August 26, 2020

Honorable Toni Atkins  
Senate President Pro Tempore  
State Capitol, Room 205  
Sacramento, CA 95814

Honorable Anthony Rendon  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, CA 95814

Re: Department of Consumer Affairs: Internal Review of Division of Investigation

Dear Senate President Pro Tempore Atkins and Speaker Rendon:

The Budget Act of 2018 required the Department of Consumer Affairs (Department) to conduct a two-year review of its centralized services and report back to the Legislature.

The enclosed review is the Department's second response to the Legislature pursuant to Senate Bill 840 (Chapter 29, Statutes of 2018). The Department identified four main areas of centralized services, which were prioritized by the Pro Rata Work Group, that will be reported to the Legislature: (1) regulations, (2) investigations, (3) information technology support, and (4) human resources (hiring and recruitment). This report is the Department's review of centralized services for investigations.

This review is the result of stakeholder outreach, research, and analysis conducted by staff from the Department's Division of Investigation and Organizational Improvement Office. There are many improvement opportunities in this review that the Department will be implementing in addition to many initiatives the Department has already begun.

I appreciate the opportunity to share this review. I look forward to continued collaboration and welcome feedback on ways in which the Department can improve its service to the 37 boards and bureaus it oversees.

If you have any questions or comments about this review, please contact Jennifer Simoes, Deputy Director of Legislation, at (916) 531-1096 or [jennifer.simoes@dca.ca.gov](mailto:jennifer.simoes@dca.ca.gov).

Sincerely,



Kimberly Kirchmeyer  
Director

cc: (provided electronically)

Senator Steven M. Glazer, Chair, Senate Committee on Business, Professions and Economic Development  
Senator Anna M. Caballero, Chair, Senate Budget and Fiscal Review Subcommittee No. 4  
Senator Jerry Hill, Member, Senate Committee on Business, Professions and Economic Development  
Assembly Member Evan Low, Chair, Assembly Committee on Business and Professions  
Assembly Member Jim Cooper, Chair, Assembly Budget Subcommittee No. 4  
Stuart Thompson, Chief Deputy Legislative Affairs Secretary, Office of the Governor  
Lourdes Castro Ramírez, Secretary, Business, Consumer Services and Housing Agency  
Department of Consumer Affairs Executive Officers and Bureau Chiefs

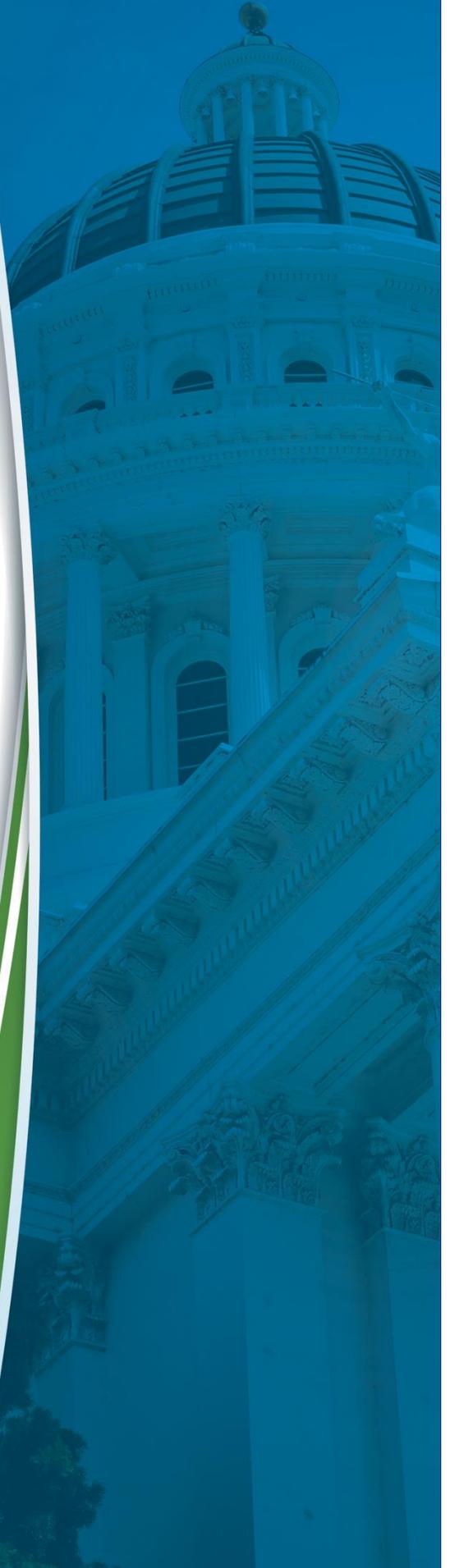
Attachment:  
Internal Review of the Division of Investigation

Organizational Improvement Office

# Internal Review of the Division of Investigation

Department of  
Consumer Affairs

August 26, 2020



# Executive Summary

This is the second review in a series that the Department of Consumer Affairs (DCA or Department) will provide to the Legislature. The first review, titled *Internal Review of Regulations Procedures*, was published March 1, 2019. The final two reviews will focus on the Office of Information Services Help Desk and the Office of Human Resources Hiring and Recruitment. The Budget Act of 2018 required the Department to conduct a process improvement review of the centralized services it provides to the 38 boards, bureaus, committees, and commission (boards) it oversees. Senate Bill 840, (Mitchell, Chapter 29, Statutes 2018), provides that the Department, in consultation with the Pro Rata Work Group, shall identify and prioritize the most critical services to be reviewed and reported to the Legislature. The Department is required to make the results of the reviews available to the Legislature as they are completed. These reviews will describe existing processes and identify opportunities to achieve efficiencies.

In February 2019, the Pro Rata Workgroup, consisting of DCA and board executives, directed the Department to conduct a review of the Division of Investigation (DOI or Division). DOI serves as the internal sworn investigations team for the DCA director, DCA executive staff, and the boards of DCA.

The Department analyzed data gathered through interviews, surveys, and process mapping. Additionally, the Department interviewed other state agencies to identify potential improvement opportunities that could be implemented at the Department.

## Improvement Opportunity Highlights

This report contains improvement opportunities to assist the Division's investigation processes. Improvement opportunities detailed in this report include:

- 1. Utilize non-sworn staff to alleviate sworn investigator non-sworn workload.** By implementing a plan to utilize more non-sworn positions, DOI could concentrate their efforts on using sworn staff more strategically. Doing so could decrease the vacancy rate and potentially balance staff caseload. Preparatory activities, obtaining records, and follow-up emails and phone calls could be redirected, thus providing sworn investigators more time to focus their attention toward activities that must be conducted by a sworn investigator.
- 2. DCA and DOI should explore ways to expedite obtaining investigation information and records.** Minimizing procedural obstacles can decrease case closure timelines and further California consumer protection.
- 3. Plan for and implement a comprehensive business modernization effort to develop a unified system that tracks all DOI-related functions.** DCA and DOI need to create a reliable system to manage and track investigation activities from the time a complaint is received through the closing of a case. DCA should ensure that board staff have access to this tracking system, where appropriate. Functionality should include alerts for major case milestones, such as approaching statute of limitations deadlines and dashboards with investigation progress bars. This will increase transparency and foster communication regarding progress and potential delays.

**4. Assign a DOI liaison as a Single Point of Contact (SPOC) to each board in order to address ad hoc issues and provide updates on the status of investigations.** Adding a liaison will improve communication between DOI and the boards. Each board has unique requirements and resources; having a liaison will also address issues in their early stages and demonstrate good faith in being transparent and actively communicating.

# Department of Consumer Affairs Overview and Background

The Department issues licenses, certificates, registrations, and permits in over 280 business and professional categories through 37 regulatory entities. These 37 entities set and enforce minimum qualifications for the professions and vocations they regulate, which include nearly all of California's health care fields.

The 37 regulatory entities are supported by a staff of legal, technical, and administrative professionals at the Department. The Department provides legal, human resources, information technology, investigations, professional examinations, training, communications, strategic planning, fiscal management, and other integral support services. DCA is committed to its core mission of consumer protection, which is shared by all its boards. The individuals who serve at DCA inform and empower consumers, promote consumer interests before lawmakers, enforce consumer protection laws, collaborate with law enforcement to fight consumer fraud, resolve disputes between consumers and businesses, and promote the use of fair and valid licensing examination programs.

DOI was established by the Legislature in 1961 to provide centralized law enforcement services for DCA. DOI provides law enforcement investigative services for the various regulatory boards within DCA pursuant to the authority under Business and Professions Code Sections 159.5 and 160 and Penal Code Section 830.3 (a).

All DOI sworn officers are authorized to conduct criminal and administrative investigations, obtain and execute search warrants, serve legal documents, and make arrests anywhere within California. DOI consists of four areas, including the Cannabis Enforcement Unit (CEU); however, for purposes of this report, the scope of the project is limited to the following three units within DOI<sup>1</sup>:

**The Investigation and Enforcement Unit** field offices provide sworn law enforcement investigative services for various regulatory boards within the Department of Consumer Affairs. The Investigation and Enforcement Unit has eight field offices located in Southern California, Northern California, the Bay Area, and the Central Valley.

The Investigation and Enforcement Unit investigators conduct investigations for the following DCA entities:

#### *Boards, Committees, and Commission*

- California Board of Accountancy
- Acupuncture Board
- California Architects Board and Landscape Architects Technical Committee
- California State Athletic Commission

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<sup>1</sup> As of July 1, 2020, CEU has moved under the Bureau of Cannabis Control.

- Board of Barbering and Cosmetology
- Board of Behavioral Sciences
- Board of Chiropractic Examiners
- Contractors State License Board
- Court Reporters Board of California
- Naturopathic Medicine Committee
- California Board of Occupational Therapy
- California State Board of Optometry
- California State Board of Pharmacy
- Physical Therapy Board of California
- Board for Professional Engineers, Land Surveyors, and Geologists
- Board of Psychology
- Board of Registered Nursing
- Respiratory Care Board of California
- Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
- Structural Pest Control Board
- Veterinary Medical Board
- Board of Vocational Nursing and Psychiatric Technicians

#### *Bureaus*

- Bureau of Automotive Repair
- Cemetery and Funeral Bureau
- Bureau of Household Goods and Services (formerly Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation)
- Bureau for Private Postsecondary Education
- Professional Fiduciaries Bureau
- Bureau of Real Estate Appraisers
- Bureau of Security and Investigative Services

The Dental Board of California (DBC) employs its own sworn investigators and does not utilize DOI for investigations. Dental Hygiene Board of California utilizes the investigators at DBC for its cases as well.

**The Health Quality Investigation Unit** was established in July 2014 per Senate Bill 304, (Lieu, Chapter 515, Statutes of 2013), which transferred all sworn investigative and medical consultant staff from the Medical Board of California to DOI. The Health Quality Investigation Unit is responsible for the sworn law enforcement investigation services for the Medical Board of California and related healing arts boards. The Health Quality Investigation Unit has 13 field offices located in Southern California, Northern California, the Bay Area, and the Central Valley.

The Health Quality Investigation Unit investigators conduct investigations for the following DCA boards:

- Medical Board of California
- Osteopathic Medical Board of California

- Physician Assistant Board
- Podiatric Medical Board of California

**The Special Operations Unit** is a law enforcement unit that provides specialized sworn law enforcement investigative services, training, and program management within DOI and the Department. The Special Operations Unit is responsible for internal affairs investigations and background investigations of DOI staff and DCA when requested. The Special Operations Unit also oversees the Workplace Violence Prevention program, Infraction Citation Authority Program, Criminal Offender Record Information Clearance System, and provides tactical training for DOI sworn staff.

# Scope and Methodology

In 2018, Senate Bill 840 directed DCA to conduct an internal assessment of the central services it provides to boards and bureaus: “[i]n consultation with the Pro Rata Work Group . . . [to] identify and prioritize the most critical services to be reviewed.” In response to this direction, the Organizational Improvement Office (OIO) is conducting a two-year study to identify opportunities for streamlining and improving the central services DCA provides to boards. The central services included in this project were chosen based on discussions with the DCA Pro Rata Workgroup, interviews with members of the group, and relevant responses from the 2017 DCA Central Services Customer Satisfaction Survey.

This review is primarily concerned with the central services that include a customer service component. Many central services activities include both customer service and oversight components. In these instances, the review will attempt to improve customer service efficiency and effectiveness of the services provided while ensuring required oversight is maintained.

## Surveys

For this review, OIO conducted two surveys: (1) DOI sworn employees and (2) board executives. On both surveys, approximately half of the respondents indicated non-sworn resources should be utilized to a greater extent. In addition, both groups thought more discussion should occur on ways to expedite the investigator’s acquisition of records and evidence. The survey results differed dramatically on the expected time to close a typical DOI case.

The DOI Sworn Employee Survey was distributed to 146 people with 62 responses being received (42% return rate). The questions on this survey were designed to elicit feedback on goals, barriers, alternate use of resources, communication, and process improvement strategies.

The second survey was distributed to 58 board executives (including executive officers, assistant executive officers, bureau chiefs, and deputy bureau chiefs) and 26 responses were received (45% return rate). The questions on this survey were designed to prompt feedback on quality and timeliness of investigations, communication, process improvement strategies, goals, alternate use of resources, and expectations.

## Interviews

OIO conducted interviews with both internal stakeholders and external entities. Information gathered from interviews can inform everything from preliminary discoveries to defining improvement opportunities. Using interviews can also help provide information above and beyond that of surveys because it can provide the details and context surrounding responses and prompt the interviewer to ask more probing questions.

To better understand DOI’s processes and research best practices from other investigative entities with similar practices, OIO interviewed various board leadership from the Board of Registered Nursing (BRN), the Medical Board of California (MBC), and DBC. OIO also interviewed leadership at the California Department of Alcoholic Beverage Control (ABC), the Department of Real Estate (DRE), and the

California Department of Public Health (CDPH). The Department also received feedback from the Office of the Attorney General on potential improvement opportunities for DOI.

## Process Mapping

Senate Bill 840 identified process mapping as a desired methodology for identifying efficiencies in DCA's central services: "Reviews shall consist of process mapping with the intent to identify opportunities to achieve efficiencies." OIO created "As-Is" maps of select DOI investigation processes, drawing from interviews with subject matter experts (SMEs) in each DOI unit. OIO also reengineered select processes to reflect what the processes might look like if DOI utilized more non-sworn staff to conduct tasks currently being conducted by sworn investigators.

## Data Gathering

At OIO's request, each DOI unit produced data reports, such as the average caseload per investigator, number of cases opened and closed monthly, and investigation timelines. Challenges included analyzing inconsistent data received from the different units that did not align with board data collected.

## Stakeholder Consultation

The OIO team met with internal stakeholders, including a board focus group, the Pro Rata Work Group, and the DCA Project Steering Committee, to provide status updates and to gain a better understanding of possible implementation strategies that might be considered during the DOI review. OIO met with the focus group to share some of the preliminary discoveries and to hear feedback on implementation strategies. The group supported the improvement opportunities that were presented and were appreciative of the opportunity to be involved with the review.

# Review Summary

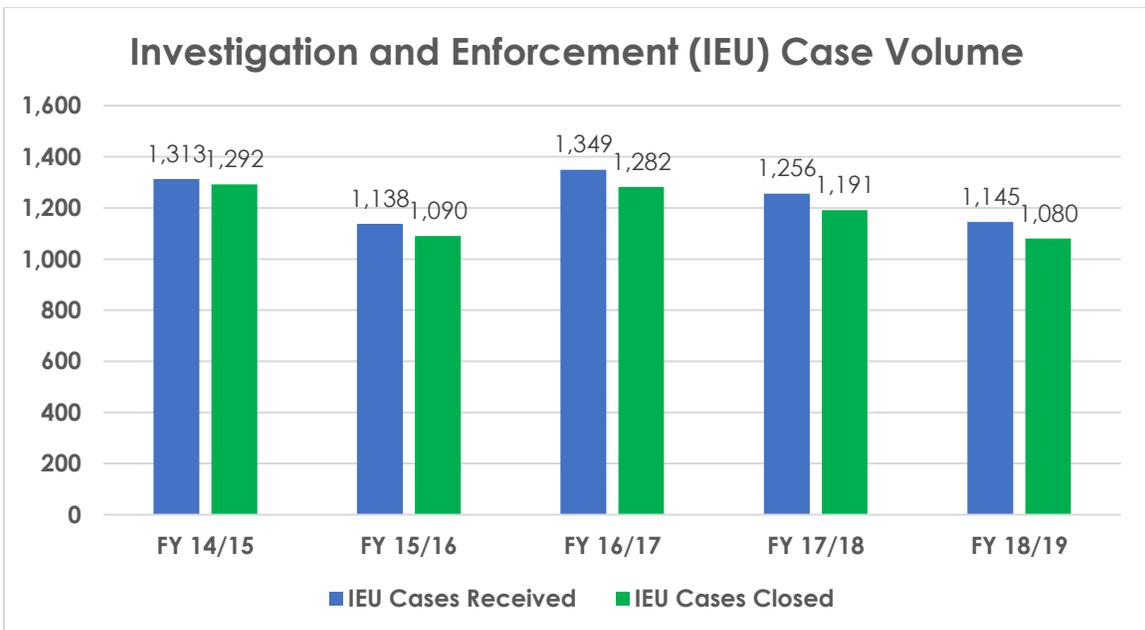
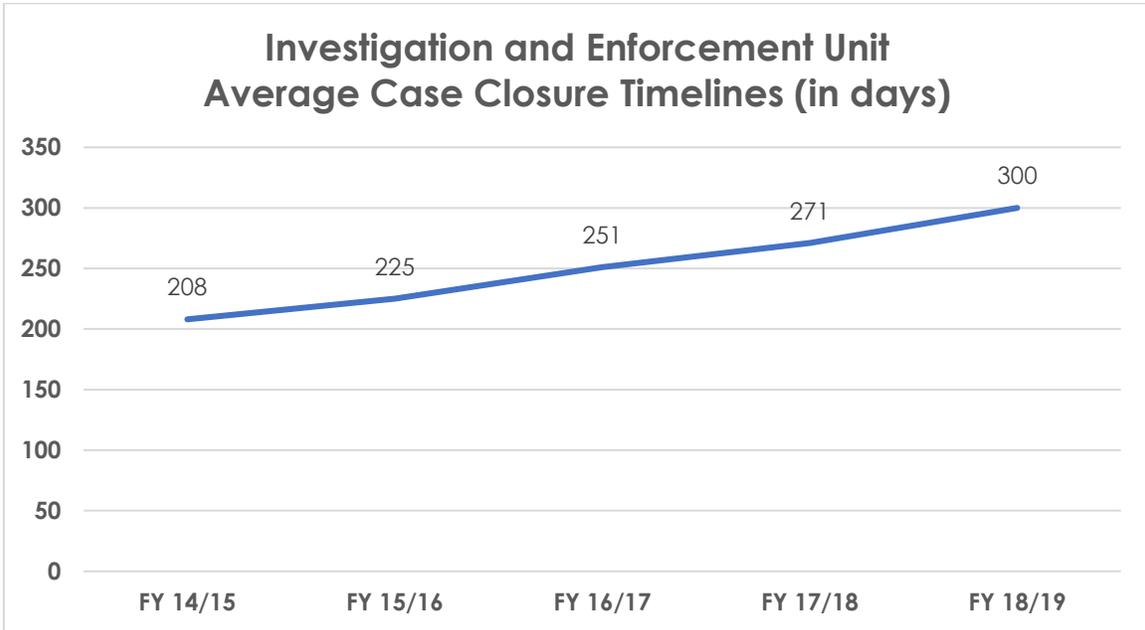
OIO sent surveys to DOI sworn employees and board executives. Ninety percent of DOI sworn employees that responded to the survey stated they and their colleagues care about the work they do and take pride in protecting California consumers. Almost 50% of the Board Executive Survey respondents agreed that the DOI/Enforcement Investigation Reports meet their board's needs. Board and Bureau Survey respondents also stated that DOI investigators approach their investigations with attention and respect, and noted that investigators are helpful when the boards contact them.

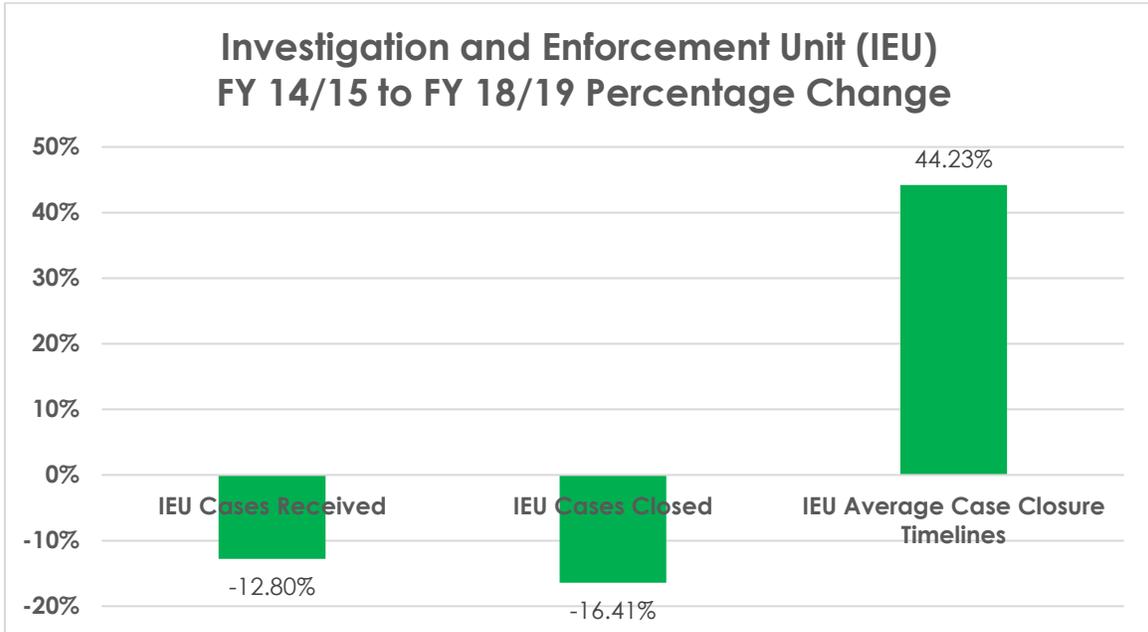
However, DOI has historically dealt with high vacancy rates, which is consequently taxing investigators who are trying to manage increasing caseloads and this situation caused delays in closing cases. The DOI Sworn Employee Survey responses revealed that 82% *Strongly Agree* that DOI's turnover rate for sworn employees negatively impacts the Division's ability to conduct investigations.

Month/Year	Total Sworn Investigator Positions		Total Sworn Investigator Vacancies		Total Sworn Investigator Vacancy Rate	
	IEU	HQIU	IEU	HQIU	IEU	HQIU
Feb-18	39.5	77	6.5	24	15%	31%
Mar-18	39.5	77	7.5	24	17%	31%
Apr-18	39.5	77	7.5	21	17%	27%
May-18	39.5	77	7.5	20	17%	26%
Jun-18	39.5	77	7.5	17	17%	22%
Jul-18	39.5	77	8.5	9	19%	12%
Aug-18	39.5	77	8.5	9	19%	12%
Sep-18	39.5	78	8.5	9	19%	12%
Oct-18	39.5	78	5.5	8	13%	10%
Nov-18	39.5	78	5.5	6	13%	8%
Dec-18	39.5	78	8.5	7	19%	9%
Jan-19	39.5	78	8.5	8	19%	10%
Feb-19	39.5	78	8.5	9	19%	12%
Mar-19	39.5	78	8.5	9	19%	12%
Apr-19	39.5	78	7.5	13	17%	17%
May-19	39.5	78	7.5	12	17%	15%
Jun-19	39.5	78	6.5	12	15%	15%
Jul-19	44	78	11	11	25%	14%
Aug-19	44	78	12	12	27%	15%
Sep-19	44	78	12	11	27%	14%
<b>Monthly Average</b>			<b>8.2</b>	<b>12.5</b>	<b>19%</b>	<b>16%</b>

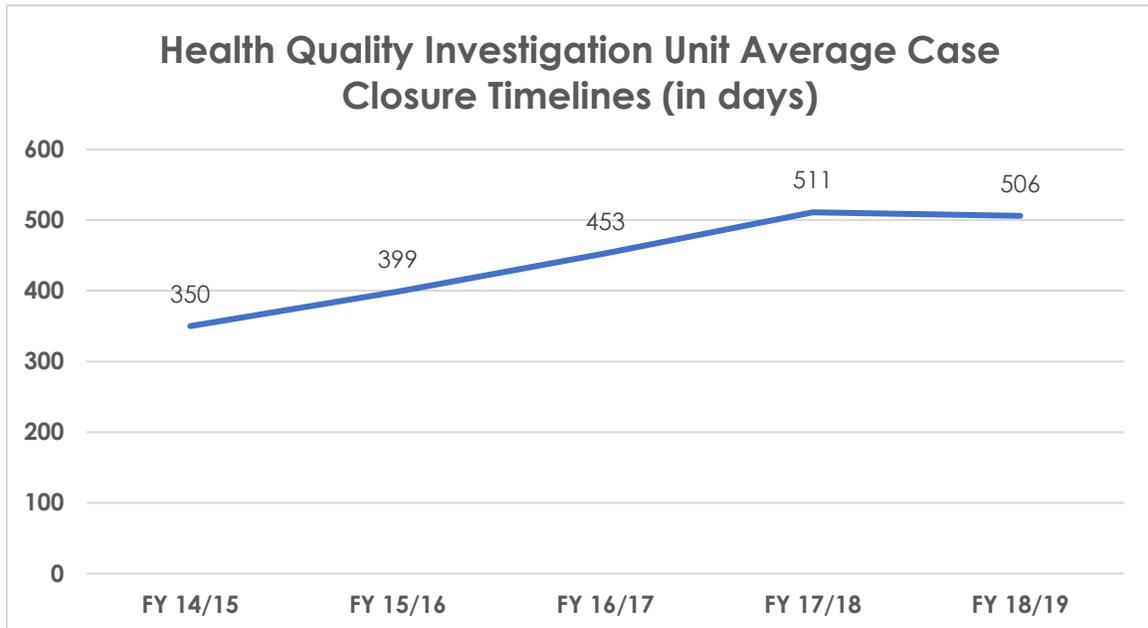
With DOI investigators' increasing caseloads due to the vacancy rates and workload management challenges, cases are not being resolved timely. This situation not only compounds the problem of case aging, but also frustrates both DOI staff and board leadership.

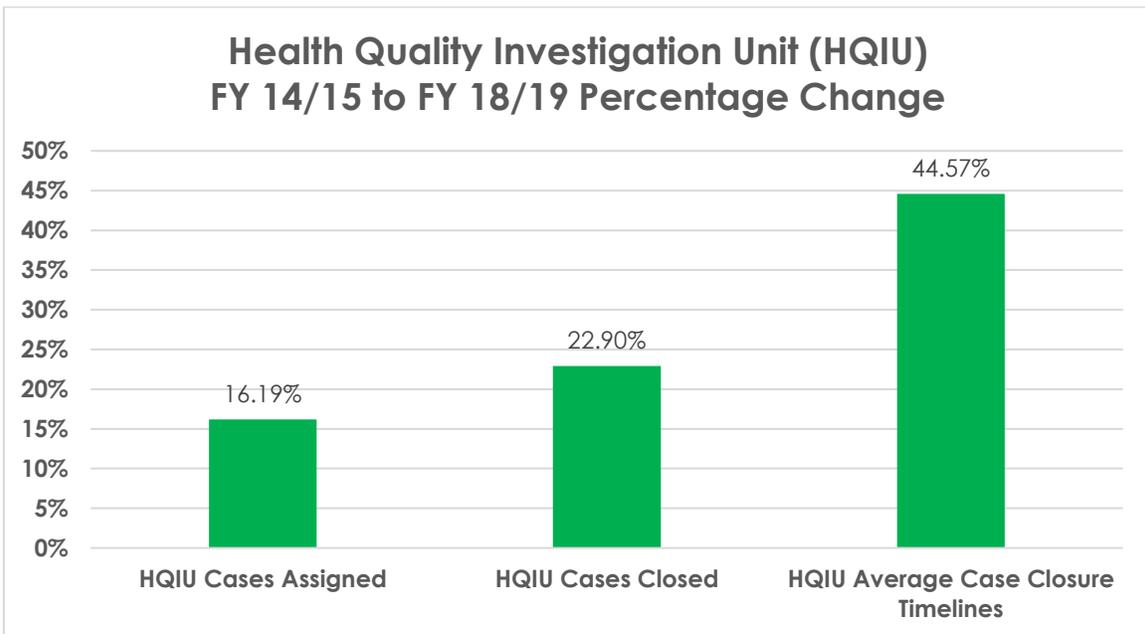
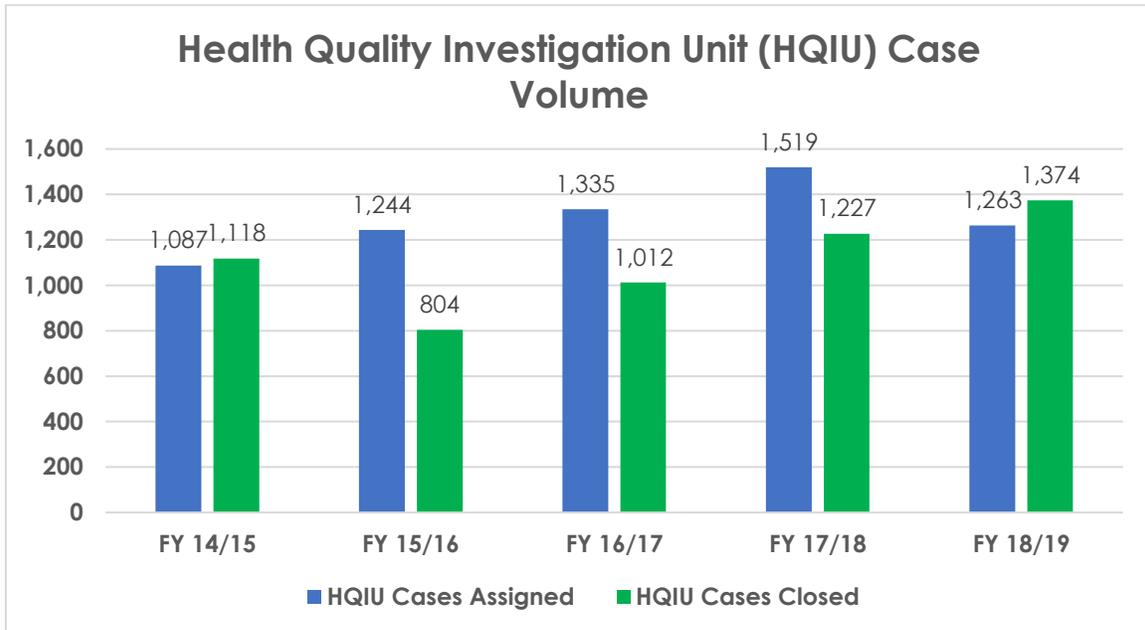
The three tables below depict the Investigation and Enforcement Unit's performance metrics and trends during the past five fiscal years. Comparing FY 14/15 to FY 18/19, Investigation and Enforcement Unit Cases Received decreased 12.80% and Investigation and Enforcement Unit Cases Closed decreased 16.41%. Related to the same time period, the average time it took to close an Investigation and Enforcement Unit Case rose from 208 to 300 days, a percentage change increase of 44.23%.





The three tables below depict the Health Quality Investigation Unit's performance metrics and trends during the past five fiscal years. Comparing FY 14/15 to FY 18/19, Health Quality Investigation Unit Cases Assigned increased 16.19% and Health Quality Investigation Unit Cases Closed increased 22.90%. Related to the same time period, the average time it took to close a Health Quality Investigation Unit Case rose from 350 to 506 days, a percentage change increase of 44.57%.





The DOI Sworn Employee Survey responses revealed that 79% Strongly Agree high caseloads also negatively impact DOI's ability to close an investigation within a year. Further, the Office of the Attorney General responded to DOI's case aging problem, "It is always important that an investigation be conducted as close in time to the events in question as possible. The basic premise is that the case will be stronger if it is prosecuted with the most reliable evidence ... evidence can be lost over time."

Cases are referred by boards to the Investigation and Enforcement Unit according to Consumer Protection Enforcement Initiative guidelines. Boards should refer all Level 1 (Urgent) and Level 2 (High)

cases to DOI. The Consumer Protection Enforcement Initiative guidelines, the healing arts boards' enforcement model, is a tiered system to assist in the process of determining which cases are egregious enough (Priorities 1 and 2) to be assigned directly to DOI, and which cases might be managed more effectively with the board (Priorities 3 and 4, Routine) to help balance the workload distribution. However, the Health Quality Investigation Unit does not utilize the Consumer Protection Enforcement Initiative guidelines for triaging cases for investigations with its clients (per Business and Professions Code Section 328).

Nearly 80% of DOI sworn employees surveyed *Strongly Agree/Agree* that obtaining records/evidence is a common barrier to completing timely investigations. Minimizing procedural obstacles can decrease case closure timelines and further California consumer protection.

Across all units, there have been challenges with communication between boards and DOI, with almost 60% of Board and Bureau Executive Survey respondents saying DOI communicates with them less than quarterly. A large part of boards' concerns with DOI centers around not knowing the status of their board's investigations. This uncertainty leaves them asking questions and making assumptions. In addition, they feel unprepared to appropriately respond to complainants' requests for information regarding an investigation. For many boards, it leaves them questioning what the overall cost will be without any preparation or insight as to how that cost came to be.

Because each unit of DOI relies on its own tracking system to input data, data is entered according to the guidelines each unit deems as meeting their requirements. For one unit, investigators may need to update their information in the system once the case is received, while other units may require them to update information in the system once they begin to work the case. Irrespective of the methodology used to update information in the different systems, OIO found it challenging to acquire consistent data to comparatively analyze across all DOI units. In addition, each system has its own issues with functionality and maintenance.

Regarding the Special Operations Unit services, boards currently provide their potential employees with a Live Scan form and tell them they must be fingerprinted prior to being hired. The Live Scan administrator sends the electronic fingerprints to the Department of Justice (DOJ) digitally. Many boards do not include their billing code on the Live Scan form. When the Live Scan results are cleared, DOJ sends an electronic message to a secure mailbox, and DOI frequently checks for notifications throughout the day. The problem arises when there is an applicant's name listed on the form, but it is unknown which board made the request. As a result, notification from DOI to the board is delayed until the board reaches out to DOI to inquire about the status of its applicant.

DOI investigators have also stated they would like more job-related training as it specifically relates to their day-to-day investigative tasks. One DOI Sworn Employee Survey respondent stated, "Our tactical and weapons training is above the Peace Officer Standards and Training standard," and another commented, "The defensive tactics schedule is excessive and way more than the Peace Officer Standards and Training requirement. Takes away from time that could be spent doing case work or training that would better impact job performance." Another respondent suggested DOI consider offering time management training to assist the investigators in managing their high caseloads.



In the following section, OIO suggests the improvement opportunities that could help address these issues.

## Improvement Opportunities

Based on the activities conducted as mentioned, OIO has identified the following opportunities for improvement: Communication, Process Improvement, Case Tracking, and Training.

### 1. Communication

***Improvement Opportunity 1.1: Assign a DOI liaison as a Single Point of Contact (SPOC) to each board in order to address ad hoc issues and provide updates on the status of investigations.***

Having a liaison will improve communication between DOI and the boards. A liaison will also address issues in their early stages and demonstrate good faith in being transparent by actively communicating.

***Improvement Opportunity 1.2: Utilize the existing quarterly Enforcement User Group to meet and discuss cases and best practices specific to DOI and its clients.***

DCA's Office of Board and Bureau Services facilitates two user groups, one for licensing and one for enforcement. All boards could benefit from hearing best practices in transmitting cases to DOI, processing documents, and providing information to DOI. A portion of these meetings should be dedicated to DOI matters.

***Improvement Opportunity 1.3: Increase frequency of meetings with boards to provide status updates on case activities.***

Proactively meeting with boards to discuss status updates builds confidence and trust with the boards and addresses potential issues early in the process. These meetings also provide the opportunity to discuss unique cases and share information regarding the reasoning behind the decision to proceed in a certain direction. In partnership with the DCA Budget Office, these meetings will include periodic reviews of costs associated with individual and categories of investigations.

***Improvement Opportunity 1.4: Schedule regular internal meetings for investigation support staff to connect and discuss updates.***

The board and DOI enforcement investigative support staff should meet via a web meeting once a month and in person once a year. During these meetings, the staff will share best practices, contact information, challenges, innovative solutions, and coordinate the documentation of desk procedures. These meetings should start with the creation of an agenda and include electronic documentation and distribution of minutes and action items. The staff should also be active participants in the Enforcement User Group.

***Improvement Opportunity 1.5: Allow and encourage direct communication consistently between investigators and board staff.***

Historically, only DOI supervisors could communicate with boards, and some DOI offices still follow that model. To promote accurate and timely communication, encourage all offices to allow investigators to communicate directly with board staff when additional information is needed. This opportunity would include board analysts who draft referrals to DOI. Open communication between the investigators and board staff will prevent miscommunication and build rapport between DOI and the boards.

***Improvement Opportunity 1.6: Eliminate the hourly cap on investigations.***

Boards assign an hourly "cap" to each investigation without any significant analysis. (All cases are typically sent over with the same number of hours assigned.) DOI has expressed frustration with trying to complete an investigation within such an arbitrary timeframe. In addition, when an investigation uses up

the assigned number of hours without completing the investigation, the DOI investigator must then negotiate with the boards for more authorized investigation hours. When surveyed, board executive respondents said they believe investigations should take anywhere from four months to a year to complete. DOI sworn employees surveyed varied greatly in their responses; however, most said a typical investigation should take between just under a year to more than two years to complete.

***Improvement Opportunity 1.7: Create and submit annual reports with key metrics, initiatives, and collaborations.***

Like the boards, the Division should be responsible for reporting their performance and metrics. This will help improve accountability and transparency. In order to have feedback from their constituents, DOI should work in collaboration with the Enforcement User Group to develop the requirements (e.g., vacancy rates, cases older than a year, average case volume, subpoenas, search warrants, arrests) of the annual report. DOI will be responsible for sending the report and associated performance metrics to all boards each year.

***Improvement Opportunity 1.8: Consider implementing a service level agreement (SLA).***

The SLA would include an estimate of the investigative services to be provided in addition to the estimated hours by case type for each activity. DOI, in partnership with the Enforcement User Group, should develop standard language for the SLAs. The SLA should include metrics by which the services are measured, the duties and responsibilities of both DOI and the board, and protocol for elevating disagreements to the DCA Director and DCA Chief Deputy Director for resolution.

***Improvement Opportunity 1.9: The Special Operations Unit should explore using SharePoint or other systems to address communication challenges.***

Issues found include boards not completing forms, lack of updates during the process, and incorrect contact information on file for boards. DOI should coordinate with the appropriate board staff to identify challenges and identify paths for resolution including using SharePoint.

## **2. Process Improvement**

***Improvement Opportunity 2.1: DCA and DOI should explore ways to expedite obtaining investigation information and records.***

Obtaining the necessary authorizations to receive medical records that are needed for an investigation can cause significant delays in the investigation process. Minimizing procedural obstacles can increase case closure timelines and further California consumer protection.

***Improvement Opportunity 2.2: Utilize non-sworn staff to alleviate sworn investigator with non-sworn workload.***

DOI should implement a plan to utilize more non-sworn positions, including shifting unfilled sworn investigator positions and retired annuitant resources. By reengineering the investigation process to utilize non-sworn investigator staff, DOI could concentrate their efforts on using their sworn staff more strategically, thereby decreasing the vacancy rate and potentially balancing staff's caseload.

During interviews conducted with DRE (which utilizes only non-sworn investigation staff), BRN, and DBC, the OIO team discovered that much of the work DOI sworn investigators are currently doing could be completed by non-sworn staff. Activities such as preparing and serving subpoenas, requesting records, and following up on certifications and processing cases that do not require sworn investigators could

reduce the workload and provide sworn investigators more time to direct their attention toward activities that must be conducted by a sworn peace officer. To further this concept, DOI and BRN recently started a pilot program that will allow greater flexibility in how cases are assigned and investigative activities are conducted. Respondents from the Board and Bureau Executive Survey suggested having non-sworn staff assist in triaging cases that could be handled at a non-sworn level and involving non-sworn staff for quality-of-care cases. The board focus group suggested DOI explore using student assistants to enhance succession planning and to focus on analytical tasks.

***Improvement Opportunity 2.3: Explore the possibility of standardizing authority across DCA to cite and fine entities that delay sending appropriate records when requested.***

Based on interviews with ABC, MBC, and DBC, OIO discovered all three entities have the capacity to levy fines or penalties if parties involved in an investigation do not respond to requests for records. DCA should establish a policy or work with boards that have this authority to assert that authority; the time it takes to receive records could be reduced.

***Improvement Opportunity 2.4: Establish a memorandum of understanding (MOU) with other agencies to encourage better record sharing and interagency collaboration.***

DOI should establish a rapport and standard practices with other agencies (e.g., Department of Social Services, Department of Health Care Services, and CDPH) to ensure more timely turnaround times and promote open dialogue should a challenging request or exchange present itself. DOI should consult the Office of the Attorney General regarding best practices for records acquisition.

***Improvement Opportunity 2.5: Examine the need for the Health Quality Investigation Unit staff to have a medical consultant good cause statement prior to approving a subpoena.***

The process for signing subpoenas is different for the Health Quality Investigation Unit and the Investigation and Enforcement Unit. Regarding the Investigation and Enforcement Unit, the investigator submits the subpoena to their management, and it is signed. Health Quality Investigation Unit investigators must have a medical consultant review the case materials to date and draft a good cause statement before a subpoena is authorized. This can add months to the investigative timelines. This process was implemented at the request of the Health Quality Enforcement Section (HQE) of the Office of the Attorney General, whereas the Licensing Section of the Office of the Attorney General that services the Investigation and Enforcement Unit boards does not have this legal requirement. The Office of the Attorney General and DCA Legal should convene a work group to discuss the conflicting policies and have a consistent process for healing arts' investigations.

***Improvement Opportunity 2.6: Consider conducting a detailed time study of sworn staff in all three units for three months.***

Using a sample of two sworn investigators per section for a period of three months, have OIO analyze detailed activities to determine how those activities translate into hours. This information could be tracked in Excel for activities such as actual investigation time, the type of case, time spent on training, time off, etc. This study would allow researchers to compare and determine where time and effort are going and where services could be more effectively provided.

***Improvement Opportunity 2.7: The Special Operations Unit should strongly encourage boards to prepopulate the Live Scan form with their billing code and board name.***

Adding both the billing code and the board name will improve the time it takes for DOI to notify the board of their applicant's clearance and expedite the hiring process. Prepopulating the form will also

reduce the assumption on behalf of DOI and the board that neither is being responsive to the other. As DOI identifies streamlined processes, they should proactively communicate them to the all the boards.

***Improvement Opportunity 2.8: The Special Operations Unit can send electronic confirmation rather than notifying boards of applicant clearance via paper.***

DOI has traditionally sent confirmation of applicant clearance with a hard copy notification. This notification could easily be provided electronically. Once this issue was identified, DOI promptly implemented the change.

***Improvement Opportunity 2.9: Consider restructuring the medical expert review process for Health Quality Investigation Unit investigations.***

In Health Quality Investigation Unit investigations, there is often the need to acquire a medical expert review prior to moving forward in an investigation, which currently adds three to eight months to the investigation process. Sworn investigators should not be managing administrative functions regarding medical experts. The Investigation and Enforcement Unit does not manage functions associated with medical experts. These functions are housed within the boards by non-sworn staff.

### **3. Case Tracking**

***Improvement Opportunity 3.1: Plan for and implement a comprehensive business modernization effort to develop a unified system of record that handles all DOI-related functions.***

A unified system would allow for transparency while providing accurate and timely tracking and performance measures for reporting purposes. The system should allow for different permission levels and access for various users. DOI should develop requirements for the new system with its clients. The functionality should include alerts for major case milestones, such as approaching statute of limitations deadlines and dashboards with investigation progress bars. The Office of the Attorney General responded to OIO's request for input stating, "Many client agencies for whom DOI conducts investigations have statutes of limitation. It is extremely important to complete the investigation with sufficient time before the statute of limitations expires."

***Improvement Opportunity 3.2: Begin Business Modernization with utilization of DCA's reporting tool (Quality Business Interactive Reporting Tool – QBIRT) to provide better case tracking access to boards.***

DOI should collaborate with DCA's Office of Information Services on implementing Quality Business Interactive Reporting Tool statistical reports to improve DOI's ability to provide monthly reports on case investigations to its Investigation and Enforcement Unit clients. In reporting to its Investigation and Enforcement Unit clients, the definition of "investigation hours" is too broad and does not provide boards with enough visibility into the investigative process. While a more robust system of record may be required, in the interim, DOI should provide a monthly update on all cases.

***Improvement Opportunity 3.3: For cases that are more than 12 months old, develop a monthly summary report to track aged cases and identify trends.***

The current goal for DOI is to complete all investigations within a year. These new reports will be submitted for review to the DCA Director, DCA Chief Deputy Director, and the DOI Chief. This report should identify barriers preventing these cases from meeting DOI's goal and increase transparency.

**Improvement Opportunity 3.4: Standardize data being entered into databases.**

Data is only as good as the information that one inputs, and the information being input must be consistent, timely, and accurate. If staff who input data into one system are doing it differently, or at varying times, the accuracy of reports run at a single point in time represents inconsistent data. DOI should create a data dictionary that standardizes terms and metrics across all systems of record within DOI.

**Improvement Opportunity 3.5: Consider standardizing use of transcription services in DOI.**

Per DOI, they are currently spending \$200,000 per year for transcription services for the Health Quality Investigation Unit. DOI should explore the time commitments for both summarizing recorded interviews and transcribing the time it takes to review the written transcript, consult with the Office of the Attorney General, and make the necessary changes. DCA should conduct a cost-benefit analysis to determine the best balance of quality and cost, as these dollars may be better used for other investigative activities. The goal should be to implement the solution that decreases the time investigators must document and summarize the interview.

**Improvement Opportunity 3.6: DCA should work with the Office of the Attorney General to look at potential inconsistencies on investigation requirements to identify best practices.**

During the research phase of this review, the need for improved definition of roles and responsibilities in healing arts investigations was expressed. DCA and the Office of the Attorney General should examine their partnering roles and capacities toward fostering a strategic, coordinated, and collaborative relationship. OIO recommends the agencies meet quarterly for a period of two years. Agendas, meeting minutes, best practices, case studies, identified training gaps, and policy decisions will be shared with the Enforcement User Group. DCA should be responsible for developing and facilitating this improvement opportunity.

**Improvement Opportunity 3.7: Continue refinement of Consumer Protection Enforcement Initiative guidelines with Investigation and Enforcement Unit clients.**

Using the SLA, DOI should customize processes for each board based on their unique needs and workload. DOI should closely evaluate the pilot being conducted with BRN and explore using that model to a greater extent.

**Improvement Opportunity 3.8: Ensure more stringent oversight on case management.**

Every board OIO interviewed agreed that, while it is additional work, it is more effective to hold management accountable by meeting frequently with their investigators to be sure cases are moving at an appropriate pace, challenges are identified, appropriate processes are being followed, and cases are closing timely. DOI supervising investigators should weekly review all staff caseloads to ensure cases are progressing appropriately and conduct monthly reviews with investigators. This will be even more important with the utilization of non-sworn staff to assist in the completion of investigative activities.

## **4. Training**

**Improvement Opportunity 4.1: Reduce the current frequency of Peace Officer Standards and Training perishable skills training to the mandated requirement.**

DOI currently conducts law enforcement trainings (firearms and defensive tactics) on a quarterly basis. These trainings, with travel, equate to approximately eight days a year for all its sworn staff (175 to 200). Requiring investigators to adhere to the minimum Peace Officer Standards and Training could yield

additional hours and cost savings. This would allow for substantial reallocation of hours to investigation activities.

**Improvement Opportunity 4.2: Consider aligning the Investigation and Enforcement Unit's training standards with the Health Quality Investigation Unit's training standards to maintain consistency across DOI.**

DOI should standardize job-specific trainings across all investigative units covering multiple areas, including formal interview techniques, subpoenas and search warrants, case law, controlled substances, courtroom testimony, Board-specific laws and regulations related to the investigations they do, undercover internet investigation techniques, sexual assault interview techniques, drug diversion investigations, locating witnesses/records, audits, evidence collection/rules of evidence/chain of custody, generational differences, effective document review, redacted/unredacted records, medical record review including electronic records, Health Insurance Portability and Accountability Act, certified/non-certified records, medical continuing education, and surveillance techniques.

**Improvement Opportunity 4.3: If deemed cost-effective, develop a Request for Proposal (RFP) to provide ongoing training to meet investigatory needs and Peace Officer Standards and Training requirements.**

The RFP would identify all investigation and Peace Officer Standards and Training-related trainings, along with required frequencies for when those trainings should be administered. After vendor proposals are received, DOI would conduct a cost-benefit analysis regarding internal versus external provision of trainings. With the existing vacancy rate being so high, it is prudent to explore an alternative use of limited DOI resources that could potentially cost less and satisfy training requirements. By utilizing an external trainer, DOI sworn investigators could concentrate on conducting investigations and closing their cases quicker, further reducing case aging.

DOI should also include a component in the RFP for the provision of performance management training. DOI should seek a management approach that elicits feedback from all members of an organization by encouraging them to participate in improving processes, products, services, and the culture in which they work, resulting in long-term success in customer satisfaction. Implementing this type of approach at DOI could serve as a pilot for the rest of DCA Central Services.

**Improvement Opportunity 4.4: Encourage individuals who have received Peace Officer Standards and Training Certification to apply for job opportunities.**

DOI leadership has expressed frustration over the difficulty of hiring qualified applicants and incurring costs and time to train them, only to have them leave for opportunities at other State or law enforcement agencies. DOI has stated that if they have a candidate who is qualified but is not Peace Officer Standards and Training certified, DOI will hire the candidate as a limited-term position and will convert that candidate to permanent status once the candidate successfully completes the Peace Officer Standards and Training Academy. DOI should continue the practices of continuous job postings, developing pools of qualified candidates regardless of vacancies, and expediting background checks in order to achieve a lower vacancy rate.