



Attorney General's Annual Report
on
Accusations Prosecuted for Department of
Consumer Affairs Client Agencies

Business and Professions Code Section 312.2

January 1, 2019

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Attorney General's Annual Report on Accusations Prosecuted for Department of Consumer Affairs Client Agencies

January 1, 2019

EXECUTIVE SUMMARY

This is the second annual report by the Office of the Attorney General pursuant to Business and Professions Code section 312.2, which became effective on January 1, 2016, requiring annual reports to be filed by January 1st each year. This report is based on data from Fiscal Year 2017-18. It provides information concerning accusation referrals received and accusations adjudicated for each Department of Consumer Affairs client agency represented by the Licensing Section and Health Quality Enforcement Section of the Office of the Attorney General.

Each client agency is unique and not comparable to others, yet some general observations can be made from the data collected to compile this report. In Fiscal Year 2017-18, approximately 43 percent of the legal work performed by the Licensing Section and Health Quality Enforcement Section was for the prosecution of accusation matters, which are the focus of this report. During the year, 4,409 accusation referrals were received from our Department of Consumer Affairs client agencies. About 2 percent of accusation referrals to the Office of the Attorney General were rejected, and 5 percent of accusation referrals required further investigation.

There were 3,310 adjudications of accusation matters by the Office of the Attorney General during the year. The accusations adjudicated were referred to this office in Fiscal Year 2017-18 or in a prior fiscal year. Multiple adjudications can occur when more than one licensee is included within one matter, each with different adjudication dates and types, or a client agency exercises its discretion to reject an original adjudication. Approximately 55 percent of the total adjudications were by stipulated settlement, 29 percent by default, 13 percent by administrative hearing, and 3 percent resulted from withdrawal of accusations by the agencies.

BACKGROUND

Licensing Section and Health Quality Enforcement Section

The Licensing Section and Health Quality Enforcement Section of the Office of the Attorney General's Civil Law Division specialize in professional and vocational licensing law in California. These sections represent 38 Department of Consumer Affairs agencies that issue multiple types of professional and vocational licenses. They provide legal representation to these agencies in many kinds of licensing matters to protect California consumers and enhance the quality of the professions and vocations. Liaison deputies also regularly consult with agency staff to advise them on jurisdictional, legal, and programmatic issues. Both sections' legal staff also provide training for the Department of Consumer Affairs Division of Investigation, agency investigators, and agency staff.

Both sections prosecute licensing matters, including accusations (license discipline), which comprise about 43 percent of their combined caseload. The balance of prosecution matters consist of statements of issues (appeal hearings when a license application has been denied), interim suspension petitions (hearings before the Office of Administrative Hearings for immediate suspension of a license), injunction proceedings (brought in superior court to stop unlicensed practice), post-discipline matters

(when a licensee petitions for reduction of penalty, or reinstatement of a revoked license), citations (appeal hearings when a citation has been issued), Penal Code section 23 petitions (seeking a license restriction during the pendency of a criminal proceeding), subpoena enforcement actions (to obtain records needed for the investigation of complaints), judicial review proceedings (superior court review of final administrative decisions), appeals (usually from superior court review proceedings), and civil litigation related to license discipline (defending agencies in civil lawsuits brought in state or federal courts).

Of these many types of legal actions, Business and Professions Code section 312.2 requests data only for the prosecution of accusation matters. Accusations are the primary component of the enforcement program for each licensing agency. The legal services in other types of licensing matters handled by the Licensing Section and Health Quality Enforcement Section are not included in this report, except where accusations are combined with petitions to revoke probation.

Department of Consumer Affairs Client Agencies

The 38 Department of Consumer Affairs agencies represented by the Licensing Section and Health Quality Enforcement Section each have different licensing laws, programs, and processes unique to their practice areas. A few agencies issue only one type of license, but most issue multiple license types. As a result, they differ in how they refer accusation matters to the Office of the Attorney General; some refer one matter for each licensee, while others refer multiple licensees involved in the same or related acts for which discipline will be sought to be included in a single accusation. About one-third of client agencies represented by the Licensing Section file a single accusation naming all of their licensees involved in the events underlying the disciplinary action. None of the agencies represented by the Health Quality Enforcement Section file a single accusation against multiple licensees. Instead, a separate accusation is filed against each licensee, and when multiple licensees are involved in the same events, the accusations may be consolidated for hearing. Any agency may also refer additional investigations to the Office of the Attorney General for prosecution while an initial accusation matter is pending, and these subsequent investigations are counted as additional *accusation referrals* in this report.

There are also other differences among the agencies. Some agencies have higher default rates than others, and some have higher rates of representation by counsel in their accusation matters. The applicable burden of proof varies based on the type of professional or business license. Generally, when there are specific educational and testing requirements to obtain a license, disciplinary charges must be proven by clear and convincing evidence to a reasonable certainty. Most accusation matters brought by Department of Consumer Affairs agencies are subject to this burden of proof, but a few license types are subject to a lower burden of proof, i.e., preponderance of evidence. Generally, these are licenses that permit operation of a business at a specific location, such as an automotive repair dealership or pharmacy. Only about a dozen Department of Consumer Affairs agencies are required to file their accusations within a prescribed statute of limitations, which generally range from one year to five years, but may be longer in specific circumstances. All Department of Consumer Affairs client agencies except the Medical Board of California are entitled to recover their costs of investigation and prosecution from respondents. The data included in this report are consistent with each client's licensing programs and practices to the extent possible, but as a result of the wide variances among the many agencies, often are not comparable to each other in any meaningful way.

Investigation Process

Agencies also differ in how they investigate their cases. Investigations are assigned to balance quality and efficiency and avoid insufficient evidence, which causes delay while supplemental evidence is gathered. First and most commonly, agencies investigate their cases using their own staff, including inspectors, sworn and unsworn investigators, investigator assistants, or analysts. Second, certain kinds

of cases are required to be referred to the Department of Consumer Affairs Division of Investigation for investigation consistent with Complaint Prioritization Guidelines developed pursuant to Business and Professions Code section 328. Medical Board cases are excluded from the requirements of section 328. From 2006 to December 31, 2018, Medical Board investigations were handled under a third model known as Vertical Enforcement and Prosecution, pursuant to Government Code section 12529.6. Vertical Enforcement required a deputy attorney general to be jointly assigned to the investigation with a Division of Investigation investigator from the Health Quality Investigation Unit. If the investigation resulted in the filing of an accusation, the same deputy attorney general would also be responsible for prosecuting the case for the Medical Board. Some agencies represented by the Health Quality Enforcement Section opted to have some or all of their investigations conducted under the Vertical Enforcement model.

Administrative Adjudication Process

If the investigation reveals evidence that a licensee has violated the agency's practice act, the agency refers the matter to the Office of the Attorney General to initiate a legal proceeding to revoke, suspend, limit, or condition the license, which is called an *accusation*. (Gov. Code, § 11503.)

Upon receipt, a deputy attorney general reviews the transmitted evidence to determine its sufficiency to meet the requisite burden of proof and for any jurisdictional issues. If the evidence is insufficient and circumstances suggest additional avenues for evidentiary development, the deputy may request further investigation from the agency. When evidence is insufficient and further investigation is not recommended, or legal issues prevent prosecution, the Office of the Attorney General declines prosecution, and the case is rejected, or reviewed and returned to the agency.

Based on sufficient evidentiary support, a deputy attorney general prepares an accusation to initiate the agency's adjudicative proceeding. The accusation pleading is sent to the agency for signature by the executive director, executive officer, or other designated *complainant* for the agency. The accusation is *filed* when the complainant signs it, and it is then served by the agency, or returned to the Office of the Attorney General for service on the licensee, known in the accusation proceeding as the *respondent*. When charged in an accusation, a respondent has a right to an adjudicative hearing under the California Administrative Procedure Act (Gov. Code, tit. 2, div. 3, ch. 5, commencing with §11500). Once served with an accusation, the respondent must file a notice of defense within fifteen days, or is in default. Once the notice of defense has been received, a hearing is scheduled with the Office of Administrative Hearings. If no notice of defense is received, then a default is prepared for presentation to the client agency for its ultimate decision.

The deputy attorney general prosecutes the accusation case before the Office of Administrative Hearings. Upon conclusion of the hearing, the case is submitted to the administrative law judge who presides over the hearing, prepares a proposed decision, and sends it to the agency for its ultimate decision. Of course, a stipulated settlement (such as public reprimand, probation, license surrender, or revocation) can occur at any time and is the most common method of adjudication of accusation matters.

The agency itself makes the final decision in each accusation case. The agency can accept or reject a settlement, and if rejected, the proceedings will continue. After an administrative hearing, the agency can accept the proposed decision issued by the administrative law judge, in which case it becomes the final decision. However, the agency may opt to reduce the penalty, or reject the proposed decision and order the hearing transcript. After review of the transcript and the evidence in the case, it can then adopt the proposed decision or issue its own decision. Most cases are resolved when the

agency accepts a stipulated settlement or proposed decision, but if not, additional proceedings ensue, which take more time.

Even after an agency's decision is issued, it may not be final. A respondent may exercise the right to petition for reconsideration, and if granted by the agency, the final decision will be reconsidered. This can also happen if an agency decides a case based upon the default of a respondent for failure to timely file a notice of defense, or failure to appear at a duly noticed hearing. Upon petition by the respondent, the agency can vacate the default decision, and additional proceedings are conducted to ultimately decide the case. Each of these types of *post-submission* events will lengthen the processing of a case and require further adjudication.

Once the agency's decision is final, it is still subject to judicial review in administrative mandamus and appellate proceedings. In very few cases, judicial review results in remand to the agency to conduct further administrative proceedings or reconsider its decision. In these cases, the ultimate, final decision of the agency may be delayed by many months, or even one or more years.

MEASURES REPORTED

The text of Business and Professions Code section 312.2 is set forth in its entirety in the attached appendix. We provide the following interpretation of terms, and description of the manner in which the data was gathered for each of the reporting metrics in subdivisions (a)(1) – (7) and (b)(1) – (6) as follows.

(a)(1) The number of accusation matters referred to the Attorney General.

Accusation matter means an investigation of one or more complaints which the agency has referred to the Office of the Attorney General to review evidence and, if appropriate, prosecute the matter through the disciplinary process as an accusation.

Accusation matters are counted by each investigation report received that bears a distinct investigation number. Some agencies request that more than one respondent be named and prosecuted in a single accusation, in which case the investigation number is counted as an accusation matter for each respondent. Multiple investigations may be referred during the time that the Office of the Attorney General is prosecuting the agency's initial accusation referral, which can span different fiscal years. Each investigation received during the reporting period is counted for each respondent to which it pertains.

(a)(2) The number of accusation matters rejected for filing by the Attorney General.

Rejected for filing describes the determination made by a deputy attorney general with a supervisor's approval, that an accusation should not be filed. An accusation can be rejected for many reasons, including (1) because the evidence submitted is insufficient to meet the burden of proof to sustain a cause for discipline under the agency's applicable practice act, (2) the events in question are not within the statute of limitations, and/or (3) disciplinary action is not supported by law or public policy. When prosecution is declined, the investigative file is returned to the client agency and the case is closed in the Office of the Attorney General.

A rejection for filing during the reporting period is counted once for each respondent to which the rejection pertains, without regard to the number of investigations referred to the Office of the Attorney General for consideration.

(a)(3) The number of accusation matters for which further investigation was requested by the Attorney General.

Further investigation requested describes an instance when a deputy attorney general reviews the evidence in the investigation and determines that it is insufficient to meet the burden of proof, but there are avenues available to augment the evidence to support a cause for discipline under the agency's applicable practice act. With supervisory approval, the deputy may request further investigation from the agency or the Division of Investigation, or it is done internally at the Office of the Attorney General. When further investigation is requested in a matter handled by the Licensing Section, the file remains open pending receipt of supplemental investigation, and is documented accordingly. In the Health Quality Enforcement Section, the file is returned to the client agency, and the matter is closed. The file is reopened if the matter is re-referred to the Office of the Attorney General with additional evidence.

Each request for further investigation made during the reporting period is counted in each matter, and is not necessarily associated with the number of referrals received in the matter, or number of respondents to which the further investigation may pertain. There may be only one request for further investigation in a matter that contains more than one respondent or more than one investigation. There may also be more than one further investigation request made pertaining to a single respondent in a matter with only one referral.

(a)(4) The number of accusation matters for which further investigation was received by the Attorney General.

Further investigation received describes the additional investigation received as a result of further investigation requested, as described above. Very rarely, an agency refers a matter back to the Office of the Attorney General with *additional* investigation and requests reconsideration of a previous decision not to prosecute (i.e., rejected). If the matter is accepted for prosecution, this is also recorded as further investigation received. Additional investigation received is distinguished from a *new* referral of an accusation matter from a client agency, which is counted in subdivision (a)(1), but is not counted in (a)(4).

Each supplemental investigation received during the reporting period is counted in each matter and is not necessarily associated with the number of referrals received in the matter or number of respondents to which the further investigation may pertain.

(a)(5) The number of accusations filed by each constituent entity.

Accusation means the initial accusation filed in a matter to initiate proceedings to revoke or suspend a license against one or more respondents, and any subsequent amended accusation filed in the matter. Accusations may be amended during the pendency of a case for a variety of reasons, most commonly because the client agency refers an additional investigation of a new complaint, and the accusation is amended to add new causes for discipline based on the new investigation. *Filed* means the accusation or amended accusation is signed by the agency's designee, known as the complainant, who is usually the executive officer or executive director of the agency. The accusation is filed on the date the document is signed.

Each accusation or amended accusation filed during the reporting period is counted and reported under subdivision (a)(5).

(a)(6) The number of accusations a constituent entity withdraws.

On occasion, the complainant withdraws the accusation after it has been filed, terminating the prosecution of the accusation matter. A common reason for an accusation to be withdrawn is the death of the respondent against whom the accusation is filed. In other cases, the evidentiary basis for the matter may change during litigation, or evidence received from a respondent in the course of discovery may lead to re-evaluation of the merits of the case. The withdrawal of an accusation is counted separately for each respondent named in the accusation.

(a)(7) The number of accusation matters adjudicated by the Attorney General.

Adjudication means the work of the Office of the Attorney General has been completed to bring the case back before the agency's decision maker for its final decision. There are four types of adjudicative events: (1) A default decision and order prepared and sent to the agency because a respondent did not file a notice of defense or failed to appear at a duly noticed administrative hearing; (2) A stipulated settlement signed by a respondent and sent to the agency to consider accepting as its disposition of the matter for that respondent; (3) The submission of the case at the conclusion of an administrative hearing to an administrative law judge to prepare a proposed decision, and the decision is sent to the agency for its consideration; and (4) Withdrawal of an accusation by the complainant, which terminates the matter. An adjudicative event for each respondent named in an accusation is necessary before the matter is fully adjudicated.

An adjudicative event is counted for each named respondent that occurs during the reporting period. In matters where more than one licensee is named in the accusation, more than one adjudicative event will be counted if it occurs during the reporting period.

Multiple adjudicative events can also occur in cases with only a single respondent. This happens when an agency does not accept a stipulated settlement, does not adopt a proposed decision submitted by an administrative law judge, grants reconsideration of its decision, or when a superior court judge remands the matter to the agency for further consideration. These *post-submission* adjudicative events are counted in reporting the number of accusation matters *adjudicated* in subdivision (a)(7), but because they are not *original* adjudications they are not included in calculating the averages reported in subdivisions (b)(3), (b)(4), and (b)(6).

(b)(1) The average number of days from the Attorney General receiving an accusation referral to when an accusation is filed by the constituent entity.

The date that each accusation referral is received in the Office of the Attorney General is documented. The calculation of the average reported for subdivision (b)(1) begins on the date of receipt of the first accusation referral in each matter and ends on the date the complainant signs the initial accusation in each matter. Amended accusations received after the client agency's initial referral are not included in the average.

(b)(2) The average number of days to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received by the Attorney General from a constituent entity or the Division of Investigation.

Prepare an accusation in subdivision (b)(2) is different from *filing an accusation* in subdivision (b)(1). An accusation is *prepared* (i.e., the preparation is based on an attorney's familiarization with the technical subject matter issues, thorough review of the evidence and expert reports to determine chargeable causes for discipline, then drafting, and supervisory review of the accusation) by the

assigned deputy attorney general and then sent to the complainant at the agency to be reviewed, approved, and signed.

Re-referred means the date when supplemental investigation has been received by the Office of the Attorney General in response to a request for further investigation, or, in rare cases, following rejection of an accusation matter.

The calculation of the average reported for subdivision (b)(2) begins on the date each initial accusation referral was received in the Office of the Attorney General – including time for initial review of the matter, request for further investigation, further investigation conducted, receipt of the supplemental investigation by the Office of the Attorney General from the agency, re-review by the deputy, and the deputy preparing the accusation – and ends on the date the deputy sends the prepared accusation to the complainant for review and filing in each matter. The average may also include review of additional referrals received while further investigation is being conducted on the initial referral that required it.

Notably, the matters that required further investigation before preparation of an accusation reported in subdivision (b)(2) are included in the average number of days to file accusations reported in subdivision (b)(1). As a consequence, delays in *preparing* accusations for cases that required further investigation generally will increase the average number of days to *file* the agency's accusations reported in subdivision (b)(1).

(b)(3) The average number of days from an agency filing an accusation to the Attorney General transmitting a stipulated settlement to the constituent entity.

Settlements are negotiated according to authorization provided by the complainant based on the agency's published disciplinary guidelines. A stipulated settlement is provided to the agency's decision maker who decides whether to accept the settlement as its disposition of the case against the respondent.

The calculation of the average reported for subdivision (b)(3) begins on the date of filing the initial accusation in each matter, and ends on the date the stipulated settlement for each respondent is sent to the agency for its consideration.

As described in subdivision (a)(7), above, *post-submission* settlements are not included in calculating the average reported in subdivision (b)(3). Only one settlement that occurs during the reporting period for each respondent named in an accusation is included to calculate the average. In matters where more than one respondent is named in the accusation, more than one stipulated settlement will be included in the average if they all occurred during the reporting period.

(b)(4) The average number of days from an agency filing an accusation to the Attorney General transmitting a default decision to the constituent entity.

If a respondent fails to send a notice of defense to the assigned deputy attorney general or agency within 15 days after service of the accusation, or fails to appear at a duly noticed administrative hearing on the accusation, the respondent is in default. The agency can opt to present the case to an administrative law judge without participation by the respondent who has defaulted. However, most often, the agency requests the deputy to prepare a default decision and order for the agency's decision-maker to consider issuing as its final decision against the respondent. Many agencies have delegated authority to their executive officers to adopt default decisions as a matter of course without consideration by the board itself.

The calculation of the average reported for subdivision (b)(4) begins on the date each initial accusation in a matter is filed, and ends on the date of transmission of the default decision and order to the agency for each respondent.

As described in subdivision (a)(7), above, *post-submission* defaults are not included in calculating the average reported in subdivision (b)(4). To calculate the average, only one default that occurs during the reporting period for each respondent named in an accusation is included. In matters where more than one respondent is named in the accusation, more than one default will be included in the average if they all occurred during the reporting period.

(b)(5) The average number of days from an agency filing an accusation to the Attorney General requesting a hearing date from the Office of Administrative Hearings.

After a notice of defense has been received from each respondent named in an accusation, the deputy attorney general assigned to the matter is responsible to coordinate with opposing counsel, unrepresented respondents, prosecution witnesses, and the Office of Administrative Hearings to determine a hearing date when everyone is available. The deputy attorney general prepares a request to set the hearing based on this coordination and sends it to the Office of Administrative Hearings to calendar the hearing.

The calculation of the average reported for subdivision (b)(5) begins on the date the initial accusation in each matter is filed, and ends on the date the request to set a hearing in each case is sent to the Office of Administrative Hearings. Infrequently, a request to set a hearing is done more than once in a case, usually because a continuance has been granted. Only the first request to set a hearing in a case is included in calculating the average.

(b)(6) The average number of days from the Attorney General's receipt of a hearing date from the Office of Administrative Hearings to the commencement of a hearing.

When the Office of Administrative Hearings receives the request to set hearing sent by the deputy attorney general, the hearing date is set on its calendar and the parties are informed of the hearing date. Unless an intervening motion for a continuance is granted by an administrative law judge, the hearing will commence on that date, and depending on the length of the hearing and intervening factors, may conclude on the same day or at a later date.

The calculation of the average reported for subdivision (b)(6) begins on the date the deputy attorney general receives notice from the Office of Administrative Hearings that the hearing date has been set for each case, and ends on the date the hearing in each case actually commences. As described in subdivision (a)(7), above, any *post-submission* commencement of a hearing is not included in calculating the average reported in subdivision (b)(6). When motions to continue hearings are granted, the commencement of hearings are delayed, and the average number of days will increase as a consequence.

METHODOLOGY

Case Management System

This report is based on data entered by legal professionals in ProLaw, the case management system of the Office of the Attorney General. Each matter received by the Licensing Section and Health Quality Enforcement Section from a client is opened in this system. Rules for the entry of data have been created by the sections, and are managed by the Case Management Section of the Office of the Attorney General, which dictates the definitions, dating, entry, and documentation for each data point.

Section-specific protocols, business processes, and uniform standards across all professionals responsible for data entry ensure the consistency, veracity, and quality of the reported data. The data entered has been verified to comply with established standards. The data markers in administrative cases have been used to generate the counts and averages in this report. Every effort has been made to report data in a transparent, accurate, and verifiable manner. The Office of the Attorney General continues to improve its technology, systems and protocols, and integrate these into its business routines and operations.

Data Presentation

The information required to be reported by Business and Professions Code section 312.2 has been organized on a separate page for each constituent entity in the Department of Consumer Affairs represented by the Licensing Section and Health Quality Enforcement Section of the Office of the Attorney General. Each page includes the number of licenses and types of licenses issued by the agency, which were taken from the 2017 Annual Report of the California Department of Consumer Affairs, containing data from Fiscal Year 2016-17. The report can be found online at: https://www.dca.ca.gov/publications/2017_annrpt.pdf. The following Department of Consumer Affairs website contains links for further information: http://www.dca.ca.gov/about_dca/entities.shtml. Any applicable statute of limitations has been included for each client agency's page, as well as the frequency of more than one respondent being named in the agency's accusations.

Table 1: Business and Professions Code section 312.2, subdivision (a)

Table 1 on the page for each agency provides the *counts* for various aspects of accusation matters, as requested under subdivision (a) of section 312.2, such as the number of accusation referrals received and the number of accusations filed (subd. (a)(1) and (5)). There are some differences in the counts reported for subdivision (a) in this report compared to the first annual report. First, in reporting the number of accusation matters received pursuant to subdivision (a)(1), this year we have reported every accusation referral received for each client agency of the Licensing Section and Health Quality Enforcement Section in a consistent manner across the two sections. In the first annual report, every referral was counted by the Health Quality Enforcement Section. However, due to different business processes and rules for entering data in ProLaw for the Licensing Section, count of *referrals* was based only on new matters opened in ProLaw, and therefore did not include referrals for each licensee named in multiple respondent cases and subsequent referrals received after the initial referral. Effective in Fiscal Year 2017-18, the case management system rules were adapted to provide consistency in the manner in which referrals are counted for both sections. As a result, in this second annual report, the number of referrals reported for all client agencies represented by the Licensing Section exceeds the number of referrals reported last year by 42 percent.

The second difference this year is in the manner of counting accusations pursuant to subdivision (a)(5). This year we have reported the *total* number of accusations filed for each client agency, which include both initial accusations filed to initiate disciplinary proceedings and amended accusations. In the first report, only the Health Quality Enforcement Section reported amended accusations. In this report, we have ensured that the count of accusations is consistent for all client agencies, including both initial and amended accusations.

Table 2: Business and Professions Code section 312.2, subdivision (b)

Table 2 provides the averages requested under subdivision (b) of section 312.2, which are based on the accusation matters adjudicated during the year, as reported under subdivision (a)(7). We have

included the mean, median, standard deviation, and number of values in the data set from which the averages were determined. The average expresses the central or typical value in a set of data, which is most commonly known as the arithmetic mean. The central value in an ordered set of data is known as the median. The standard deviation (SD) for a data set provides context for averages. A low SD indicates that the data points tend to be close to the mean of the set, while a high SD indicates that the data points are spread out over a wider range of values.

Compared to the median, the mean is more sensitive to extreme values, or *outliers*, and the number of values, or *sample size*. When the mean and median are nearly equivalent, that is a likely indicator that there are no or few extreme values in the data set. However, when there is a large difference between the mean and median, it is likely that there are one or more extreme values skewing the data. For example, for the California Board of Accountancy (page 12), the average number of days from filing an accusation to when a stipulated settlement was sent to the agency was 117 days for the mean and 84 days for the median, with SD of 97, based on 81 stipulations, suggesting the mean is a fair representation of the number of days to reach settlement. In contrast, for the Bureau of Security and Investigative Services (page 445), the average for settlements was 570 days for the mean and 245 days for the median, with SD of 699, based on 22 stipulations. The data for this agency included one case with four respondents, all of whom settled 2,008 days after the accusation was filed. This skewed the data and impacted the mean, as shown by the large 325-day difference between the mean and median, and extremely high SD of 699.¹ This example shows how extreme values influence the mean, especially when the sample size is small, underscoring the importance of considering all results provided when interpreting the data.

There are some differences in the manner in which averages were calculated in this report compared to the first annual report for subdivisions (b)(3) through (6). Data for adjudication of the accusation matter for each respondent named in an accusation whose initial default or settlement was not accepted by the agency as its final decision are not included in these reports. On occasion, an agency grants a petition for reconsideration for a respondent who has defaulted in an accusation matter, vacating the default and allowing the respondent to litigate the case. Similarly, the agency may decide not to accept a stipulated settlement as the final disposition of the case, directing that a different settlement be negotiated, and/or requiring the matter to be set for an administrative hearing before an administrative law judge. In cases where defaults are vacated or proposed stipulated settlements are not adopted by the agency, those subsequent adjudications are not included in the data reported in subdivisions (b)(3) and (4). By excluding subsequent adjudications that are necessitated by agencies' decision making, the average number of days it takes to adjudicate matters by settlement and default is more closely associated with the work of the Office of the Attorney General.

Similarly, under subdivision (b)(6) reporting the average number of days from hearing date received to hearing commenced, we have excluded hearings commenced after reconsideration or non-adoption by an agency.

The individual client agency pages that follow have been organized in alphabetical order for convenience.

¹ The extreme age of that particular matter was due to a series of delaying events. It started as one referral against one licensee, for which further investigation was requested. The additional investigation was extensive and ultimately resulted in a total of nine referrals against four licensees. There was a two-year cessation of that investigation due to redirection of key investigatory staff to internal projects by the agency. A second lengthy delay was caused by an intervening investigation by the district attorney until he decided not to file criminal charges. The case was further delayed intermittently due to attrition of the agency's top two decision makers during critical junctures in the litigation.

California Board of Accountancy

The California Board of Accountancy regulated 102,882 licensees in Fiscal Year 2016-17, with five license types. Most complaints received by the Board are investigated by the Board’s own investigators, who are either certified public accountants or analysts. Some investigations are assisted by the Office of Attorney General and the Board’s Enforcement Advisory Committee through the taking of testimony under oath of licensees under investigation. There were multiple respondents in about 25 percent of the Board’s accusation cases prosecuted by the Office of the Attorney General in Fiscal Year 2017-18. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	96
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	6
(4) accusation matters for which further investigation was received by the Attorney General.	6
(5) accusations filed.	80
(6) accusations withdrawn.	1
(7) accusation matters adjudicated by the Attorney General.	102

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	157	126	101	81
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	312	312	89	2
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	117	85	96	83
(4) from the filing of an accusation to when a default decision is sent to the agency.	101	56	128	17
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	119	92	103	10
(6) from the Attorney General’s receipt of a hearing date to the commencement of a hearing.	178	178	0	1

California Acupuncture Board

The California Acupuncture Board regulated 11,999 licensees in Fiscal Year 2016-2017 with one license type, Licensed Acupuncturist. Complaints received by the Board are investigated by the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	11
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	3
(4) accusation matters for which further investigation was received by the Attorney General.	4
(5) accusations filed.	14
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	11

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	119	43	157	11
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	364	364	0	1
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	147	152	91	8
(4) from the filing of an accusation to when a default decision is sent to the agency.	95	88	59	3
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	54	31	39	5
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	0	0	0	0

California Architects Board

The California Architects Board regulated 21,025 licensees in Fiscal Year 2016-17 with only one license type, Licensed Architect. Most complaints received by the Board are investigated by the Board's own staff and architect consultants, and when appropriate referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit. The statute of limitations to file an accusation is generally five years from discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	1
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	1
(4) accusation matters for which further investigation was received by the Attorney General.	1
(5) accusations filed.	1
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	1

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	69	69	0	1
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	0	0	0	0
(4) from the filing of an accusation to when a default decision is sent to the agency.	0	0	0	0
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	0	0	0	0
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	171	171	0	1

California State Athletic Commission

The California State Athletic Commission regulated 3,595 licensees in Fiscal Year 2016-17 with nine license types. The Commission referred three arbitration matters and two suspension appeals to the Office of the Attorney General in Fiscal Year 2017-18, but did not refer any accusation matters. There is no statute of limitations within which to file accusations for this agency.

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Bureau of Automotive Repair

The Bureau of Automotive Repair regulated 73,624 licensees in Fiscal Year 2016-17 with 10 license types. Complaints and other matters are investigated by the Bureau's own program representatives. There were multiple respondents in over 60 percent of the Bureau's accusation cases prosecuted by the Office of the Attorney General in Fiscal Year 2017-18. The statute of limitations to file an accusation is generally three years from the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	907
(2) accusation matters rejected for filing by the Attorney General.	1
(3) accusation matters for which further investigation was requested by the Attorney General.	6
(4) accusation matters for which further investigation was received by the Attorney General.	10
(5) accusations filed.	463
(6) accusations withdrawn.	9
(7) accusation matters adjudicated by the Attorney General.	425

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	166	140	116	273
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	370	279	236	7
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	217	213	143	160
(4) from the filing of an accusation to when a default decision is sent to the agency.	124	100	92	167
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	102	65	107	97
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	144	135	105	71

Board of Barbering and Cosmetology

The Board of Barbering and Cosmetology regulated 612,016 licensees in Fiscal Year 2016-17 with 10 license types. The Board receives consumer complaints and routinely inspects establishments for health and safety. The Board's cases are investigated by the Board's own inspectors or other staff, and when appropriate, may also be referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit. There were multiple respondents in less than 5 percent of the Board's accusation cases prosecuted by the Office of the Attorney General in Fiscal Year 2017-18. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	88
(2) accusation matters rejected for filing by the Attorney General.	2
(3) accusation matters for which further investigation was requested by the Attorney General.	4
(4) accusation matters for which further investigation was received by the Attorney General.	3
(5) accusations filed.	72
(6) accusations withdrawn.	5
(7) accusation matters adjudicated by the Attorney General.	71

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	175	148	111	68
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	257	257	193	2
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	149	113	98	36
(4) from the filing of an accusation to when a default decision is sent to the agency.	100	84	67	20
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	118	81	70	12
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	129	158	57	10

Board of Behavioral Sciences

The Board of Behavioral Sciences regulated 108,662 licensees in Fiscal Year 2016-17 with seven license types. Most complaints received by the Board are investigated by the Board’s own investigators or staff, or referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. The statute of limitations to file an accusation is generally three years from discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	120
(2) accusation matters rejected for filing by the Attorney General.	2
(3) accusation matters for which further investigation was requested by the Attorney General.	4
(4) accusation matters for which further investigation was received by the Attorney General.	4
(5) accusations filed.	128
(6) accusations withdrawn.	1
(7) accusation matters adjudicated by the Attorney General.	110

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	129	109	93	108
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	261	309	136	5
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	200	175	166	66
(4) from the filing of an accusation to when a default decision is sent to the agency.	75	48	55	24
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	164	120	153	33
(6) from the Attorney General’s receipt of a hearing date to the commencement of a hearing.	178	178	83	15

Cemetery and Funeral Bureau

The Cemetery and Funeral Bureau regulated 13,147 licensees in Fiscal Year 2016-17 with 13 license types. Most complaints received by the Bureau are investigated by the Bureau’s field representatives or staff, or referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. There were multiple respondents in 60 percent of the Bureau’s accusation cases prosecuted by the Office of the Attorney General in Fiscal Year 2017-18. The statute of limitations to file an accusation is generally three years from the act or omission for cemetery licensees and two years for funeral licensees charged in the accusation.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	24
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	2
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	4
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	7

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	181	161	44	4
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	231	231	0	1
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	142	140	53	6
(4) from the filing of an accusation to when a default decision is sent to the agency.	241	241	0	1
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	107	107	0	1
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	0	0	0	0

Board of Chiropractic Examiners

The Board of Chiropractic Examiners regulated 13,191 licensees in Fiscal Year 2016-17 with one license type, Doctor of Chiropractic. It also authorizes satellite offices, chiropractic corporations and referral services. Most complaints received by the Board are investigated by the Board's own investigators or staff, or referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	31
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	5
(4) accusation matters for which further investigation was received by the Attorney General.	6
(5) accusations filed.	38
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	32

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	185	172	155	32
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	371	373	208	5
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	276	290	153	21
(4) from the filing of an accusation to when a default decision is sent to the agency.	67	50	35	8
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	204	162	172	8
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	74	74	18	2

Contractors State License Board

The Contractors State License Board regulated 305,611 licensees in Fiscal Year 2016-17 with two license types and many classifications, including general contractor. Most complaints received by the Board are investigated by the Board’s own enforcement representatives, some of whom are sworn investigators. There were very few multiple respondents in the Board’s accusation cases prosecuted by the Office of the Attorney General in Fiscal Year 2017-18. However, the number of adjudications reported in subdivision (a)(7) include licensees affiliated with respondents that are entities. The statute of limitations to file an accusation is generally four years from an act or omission charged in the accusation.

The tables below show data for Fiscal Year 2016-17.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	455
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	19
(4) accusation matters for which further investigation was received by the Attorney General.	22
(5) accusations filed.	357
(6) accusations withdrawn.	10
(7) accusation matters adjudicated by the Attorney General.	315

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	188	146	140	306
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	248	216	120	23
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	265	232	162	109
(4) from the filing of an accusation to when a default decision is sent to the agency.	69	36	97	142
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	113	97	94	70
(6) from the Attorney General’s receipt of a hearing date to the commencement of a hearing.	149	118	81	46

Court Reporters Board of California

The Court Reporters Board of California regulated 6,687 licensees in Fiscal Year 2016-17 with one license type, Certified Shorthand Reporter. Most complaints received by the Board are investigated by the Board's own staff, or referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	5
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	2
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	0

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	0	0	0	0
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	0	0	0	0
(4) from the filing of an accusation to when a default decision is sent to the agency.	0	0	0	0
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	0	0	0	0
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	0	0	0	0

Dental Board of California

The Dental Board of California regulated 106,416 licensees in Fiscal Year 2016-17 with 16 license types. Most complaints received by the Board are investigated by the Board’s own staff or investigators, some of whom are sworn investigators, or referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. The statute of limitations to file an accusation is generally three years from discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	110
(2) accusation matters rejected for filing by the Attorney General.	4
(3) accusation matters for which further investigation was requested by the Attorney General.	5
(4) accusation matters for which further investigation was received by the Attorney General.	5
(5) accusations filed.	86
(6) accusations withdrawn.	3
(7) accusation matters adjudicated by the Attorney General.	76

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	131	126	77	73
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	153	212	85	5
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	300	287	148	47
(4) from the filing of an accusation to when a default decision is sent to the agency.	149	130	82	12
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	148	134	83	24
(6) from the Attorney General’s receipt of a hearing date to the commencement of a hearing.	134	121	56	11

Dental Hygiene Committee of California

The Dental Hygiene Committee of California regulated 23,448 licensees in Fiscal Year 2016-17 with four license types. Most complaints received by the Committee are investigated by the Dental Board's staff or investigators, some of whom are sworn officers, or referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	3
(2) accusation matters rejected for filing by the Attorney General.	1
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	1
(5) accusations filed.	10
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	10

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	137	113	69	10
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	277	276	44	8
(4) from the filing of an accusation to when a default decision is sent to the agency.	84	84	0	1
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	143	147	30	7
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	21	21	0	1

Bureau of Electronic & Appliance Repair, Home Furnishings & Thermal Insulation

The Bureau regulated 40,671 licensees in Fiscal Year 2016-17 with 15 license types. Most complaints received by the Bureau are investigated by the Bureau's own investigators or staff, or referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	0
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	1
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	1

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	109	109	0	1
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	0	0	0	0
(4) from the filing of an accusation to when a default decision is sent to the agency.	139	139	0	1
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	0	0	0	0
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	0	0	0	0

State Board of Guide Dogs for the Blind

The State Board of Guide Dogs for the Blind regulated 108 licensees in Fiscal Year 2016-17 with two license types. The Board did not refer any accusation matters to the Office of the Attorney General in Fiscal Year 2017-18. There is no statute of limitations within which to file accusations for this agency.

Assembly Bill (AB) 1705 was signed into law October 11, 2017, and became effective January 1, 2018. It repealed the chapter regulating guide dog instruction.

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Landscape Architects Technical Committee

The Landscape Architects Technical Committee regulated 3,607 licensees in Fiscal Year 2016-17 with one license type, Landscape Architect. Most complaints received by the Committee are investigated by the Committee's own enforcement staff, and some are reviewed by the Committee's subject matter experts. When appropriate, complaints may be referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit. The statute of limitations to file an accusation is generally three years from discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	2
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	2
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	1

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	114	114	0	1
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	116	116	0	1
(4) from the filing of an accusation to when a default decision is sent to the agency.	0	0	0	0
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	0	0	0	0
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	0	0	0	0

Licensed Midwives Program (Medical Board of California)

The Medical Board of California regulated 390 licensees in Fiscal Year 2016-2017 with one license type, Licensed Midwife. Complaints received by the Midwives Program are investigated by the Department of Consumer Affairs Division of Investigation, Health Quality Investigation Unit. There is no specific statute of limitations within which to file accusations for this program. However, because licensed midwives are within the jurisdiction of the Medical Board of California, accusations are filed within the same limitations period pertaining to the Medical Board, which is generally three years from the discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	2
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	0
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	0

Table 2 are based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	0	0	0	0
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	0	0	0	0
(4) from the filing of an accusation to when a default decision is sent to the agency.	0	0	0	0
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	0	0	0	0
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	0	0	0	0

Medical Board of California

The Medical Board of California regulated 157,441 licenses, registrations, and permits of eight types in Fiscal Year 2016-2017 (excluding Licensed Midwives, data for which is set forth on the preceding page). Data for Physicians and Surgeons, Research Psychoanalysts, and Polysomnographic Program are consolidated below. Complaints received by the Board are investigated by its in-house Complaint Investigation Office or by the Department of Consumer Affairs Division of Investigation, Health Quality Investigation Unit. The Board used vertical enforcement in investigations referred to the Health Quality Investigation Unit until approximately November 2018. In Fiscal Year 2017-18, 70 percent of the accusation matters referred to the Attorney General were vertical enforcement joint investigations. The statute of limitations to file an accusation is generally three years from discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	513
(2) accusation matters rejected for filing by the Attorney General.	7
(3) accusation matters for which further investigation was requested by the Attorney General.	19
(4) accusation matters for which further investigation was received by the Attorney General.	61
(5) accusations filed.	465
(6) accusations withdrawn.	7
(7) accusation matters adjudicated by the Attorney General.	322

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	61	49	51	312
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	173	143	107	6
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	227	214	139	221
(4) from the filing of an accusation to when a default decision is sent to the agency.	94	50	163	33
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	71	49	67	122
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	201	173	136	59

Naturopathic Medicine Committee

The Naturopathic Medicine Committee regulated 828 licensees in Fiscal Year 2016-2017, with one type of license, Naturopathic Doctor. Complaints received by the Board are investigated by the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit. The Committee did not refer any accusation matters in Fiscal Year 2017-2018. There is no statute of limitations within which to file accusations for this agency.

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California Board of Occupational Therapy

The Board of Occupational Therapy regulated 15,553 licensees in Fiscal Year 2016-17 with four license types. Most complaints received by the Board are investigated by the Board's own investigators or staff, or referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	31
(2) accusation matters rejected for filing by the Attorney General.	1
(3) accusation matters for which further investigation was requested by the Attorney General.	2
(4) accusation matters for which further investigation was received by the Attorney General.	2
(5) accusations filed.	29
(6) accusations withdrawn.	3
(7) accusation matters adjudicated by the Attorney General.	13

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	89	59	58	13
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	92	82	38	7
(4) from the filing of an accusation to when a default decision is sent to the agency.	44	46	18	3
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	90	33	90	3
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	0	0	0	0

California State Board of Optometry

The Board of Optometry includes the Dispensing Optician Committee. The Board regulated 17,082 licensees in Fiscal Year 2016-17 with 12 types of licenses, including those for optometrists and opticians. Most complaints received by the Board are investigated by the Board's own staff, or referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. The Board does not employ its own investigators. The statute of limitations to file an accusation is generally three years from discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	17
(2) accusation matters rejected for filing by the Attorney General.	1
(3) accusation matters for which further investigation was requested by the Attorney General.	1
(4) accusation matters for which further investigation was received by the Attorney General.	1
(5) accusations filed.	21
(6) accusations withdrawn.	1
(7) accusation matters adjudicated by the Attorney General.	16

Table 2 are based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	124	129	63	16
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	76	76	0	1
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	174	169	54	6
(4) from the filing of an accusation to when a default decision is sent to the agency.	55	55	23	7
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	75	70	43	4
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	100	100	24	2

Osteopathic Medical Board of California

The Osteopathic Medical Board of California regulated 9,843 licenses and registrations in Fiscal Year 2016-2017, with one type of license, Osteopathic Physician and Surgeon. In Fiscal Year 2017-18, the Board used vertical enforcement in select accusation matters referred to the Attorney General. The statute of limitations to file an accusation is generally three years from discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	24
(2) accusation matters rejected for filing by the Attorney General.	1
(3) accusation matters for which further investigation was requested by the Attorney General.	5
(4) accusation matters for which further investigation was received by the Attorney General.	2
(5) accusations filed.	19
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	14

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	48	43	36	13
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	274	236	170	12
(4) from the filing of an accusation to when a default decision is sent to the agency.	67	67	0	1
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	50	50	16	2
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	0	0	0	0

California State Board of Pharmacy

The Board of Pharmacy regulated 139,164 licensees in Fiscal Year 2016-17 with more than 25 license types. The Board receives consumer complaints and routinely inspects pharmacies for compliance. Most complaints received by the Board are investigated by the Board’s own inspectors, who are licensed pharmacists themselves. There were multiple respondents in about 37 percent of the Board’s accusation cases prosecuted by the Office of the Attorney General in Fiscal Year 2017-18. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	438
(2) accusation matters rejected for filing by the Attorney General.	10
(3) accusation matters for which further investigation was requested by the Attorney General.	20
(4) accusation matters for which further investigation was received by the Attorney General.	20
(5) accusations filed.	294
(6) accusations withdrawn.	7
(7) accusation matters adjudicated by the Attorney General.	360

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	228	182	177	266
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	249	192	136	19
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	326	301	218	203
(4) from the filing of an accusation to when a default decision is sent to the agency.	116	88	97	109
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	140	118	95	82
(6) from the Attorney General’s receipt of a hearing date to the commencement of a hearing.	144	146	84	28

Physical Therapy Board of California

The Physical Therapy Board of California regulated 37,184 licensees in Fiscal Year 2016-2017 with two license types, Physical Therapist and Physical Therapist Assistant. Complaints received by the Board are investigated by the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	38
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	1
(4) accusation matters for which further investigation was received by the Attorney General.	5
(5) accusations filed.	35
(6) accusations withdrawn.	3
(7) accusation matters adjudicated by the Attorney General.	23

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	112	86	112	22
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	210	205	119	15
(4) from the filing of an accusation to when a default decision is sent to the agency.	110	110	37	2
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	43	34	23	8
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	204	175	56	3

Physician Assistant Board

The Physician Assistant Board regulated 11,534 licensees in Fiscal Year 2016-2017 with one license type, Physician Assistant. Complaints received by the Board are investigated by the Department of Consumer Affairs Division of Investigation, Health Quality Investigation Unit. In Fiscal Year 2017-18, the Board used vertical enforcement in 87 percent of the accusation matters referred to the Attorney General. There is no statute of limitations within which to file accusations for this agency. However, the Board follows the Medical Board of California's limitations period, which is generally three years from discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	24
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	2
(4) accusation matters for which further investigation was received by the Attorney General.	6
(5) accusations filed.	22
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	33

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	110	52	131	29
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	256	256	0	1
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	340	234	349	25
(4) from the filing of an accusation to when a default decision is sent to the agency.	62	62	2	2
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	131	129	67	6
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	207	134	192	3

California Board of Podiatric Medicine

The California Board of Podiatric Medicine regulated 2,182 licensees in Fiscal Year 2016-2017 with three license types, including Doctor of Podiatric Medicine. Complaints received by the Board are investigated by the Department of Consumer Affairs Division of Investigation, Health Quality Investigation Unit. The Board used vertical enforcement in all of its investigations in Fiscal Year 2017-18. The statute of limitations generally requires accusations to be filed within three years after the discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	22
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	2
(5) accusations filed.	10
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	9

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	77	58	56	9
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	254	288	124	6
(4) from the filing of an accusation to when a default decision is sent to the agency.	88	88	0	1
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	103	103	0	1
(6) from the Attorney General’s receipt of a hearing date to the commencement of a hearing.	98	98	5	2

Bureau for Private Postsecondary Education

The Bureau for Private Postsecondary Education issues three types of approvals, which authorize private postsecondary institutions to operate. It regulated 1,111 licensees in Fiscal Year 2016-17. The Bureau does not employ investigators and most complaints are investigated by the Board's own staff, or referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	6
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	8
(6) accusations withdrawn.	2
(7) accusation matters adjudicated by the Attorney General.	7

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	200	194	53	7
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	293	306	80	3
(4) from the filing of an accusation to when a default decision is sent to the agency.	503	503	0	1
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	226	240	94	4
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	114	114	0	1

Board for Professional Engineers, Land Surveyors, and Geologists

The Board for Professional Engineers, Land Surveyors, and Geologists regulated 106,673 licensees in Fiscal Year 2016-17 with 28 license types. The Board does not employ investigators and most complaints are investigated by the Board's own staff, or referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	31
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	1
(5) accusations filed.	23
(6) accusations withdrawn.	1
(7) accusation matters adjudicated by the Attorney General.	21

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	243	121	244	21
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	802	802	0	1
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	384	306	266	14
(4) from the filing of an accusation to when a default decision is sent to the agency.	59	57	15	3
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	331	138	340	9
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	119	124	30	3

Professional Fiduciaries Bureau

The Professional Fiduciaries Bureau regulated 995 licensees in Fiscal Year 2016-17 with one license type, Professional Fiduciary. Complaints received by the Bureau are investigated by the Bureau's own staff, or referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	5
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	3
(4) accusation matters for which further investigation was received by the Attorney General.	2
(5) accusations filed.	3
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	5

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	181	181	67	3
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	251	251	0	1
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	73	73	0	1
(4) from the filing of an accusation to when a default decision is sent to the agency.	60	60	6	2
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	0	0	0	0
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	0	0	0	0

California Board of Psychology

The California Board of Psychology regulated 22,449 licensees in Fiscal Year 2016-2017 with three license types, Psychologist, Psychological Assistant, and Registered Psychologist. In Fiscal Year 2017-18, the Board used vertical enforcement in 67 percent of the accusation matters referred to the Attorney General. The statute of limitations to file an accusation is generally three years from discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2017-18

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	32
(2) accusation matters rejected for filing by the Attorney General.	7
(3) accusation matters for which further investigation was requested by the Attorney General.	5
(4) accusation matters for which further investigation was received by the Attorney General.	7
(5) accusations filed.	22
(6) accusations withdrawn.	2
(7) accusation matters adjudicated by the Attorney General.	28

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	63	49	55	27
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	228	196	116	20
(4) from the filing of an accusation to when a default decision is sent to the agency.	151	156	72	3
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	76	62	59	10
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	185	200	60	3

Bureau of Real Estate Appraisers

The Bureau of Real Estate Appraisers regulated 10,630 licensees in Fiscal Year 2016-17 with six license types. Most complaints received by the Bureau involved violations of the Uniform Standards of Professional Appraisal Practice and are investigated by the Bureau’s own staff of investigators who each hold a certified appraiser license. Federal law directs the resolution of administrative actions within one year after a complaint is filed with the Bureau.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	5
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	6
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	4

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	37	17	72	4
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	150	150	0	1
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	252	252	95	2
(4) from the filing of an accusation to when a default decision is sent to the agency.	34	34	0	1
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	218	218	0	1
(6) from the Attorney General’s receipt of a hearing date to the commencement of a hearing.	68	68	0	1

Board of Registered Nursing

The Board of Registered Nursing regulated 549,047 licensees in Fiscal Year 2016-17 with nine license types. Most complaints received by the Board are investigated by the Board’s own staff of investigators, or referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	866
(2) accusation matters rejected for filing by the Attorney General.	38
(3) accusation matters for which further investigation was requested by the Attorney General.	63
(4) accusation matters for which further investigation was received by the Attorney General.	59
(5) accusations filed.	840
(6) accusations withdrawn.	30
(7) accusation matters adjudicated by the Attorney General.	855

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	144	103	137	822
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	310	272	195	64
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	194	178	134	491
(4) from the filing of an accusation to when a default decision is sent to the agency.	63	35	74	209
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	134	103	120	235
(6) from the Attorney General’s receipt of a hearing date to the commencement of a hearing.	154	128	116	98

Respiratory Care Board of California

The Respiratory Care Board of California regulated 23,473 licensees in Fiscal Year 2016-2017 with one license type, Respiratory Care Practitioner. Complaints received by the Board are investigated by Board staff. The statute of limitations to file an accusation is generally three years from discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	46
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	4
(4) accusation matters for which further investigation was received by the Attorney General.	8
(5) accusations filed.	40
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	48

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	65	55	40	46
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	79	43	63	3
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	154	152	77	28
(4) from the filing of an accusation to when a default decision is sent to the agency.	56	48	27	16
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	82	40	78	9
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	193	116	115	3

Bureau of Security and Investigative Services

The Bureau of Security and Investigative Services regulated 404,837 licensees in Fiscal Year 2016-17 with 23 license types. Most complaints received by the Bureau are investigated by the Bureau's own staff, or referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. There were multiple respondents in about 13 percent of the Board's accusation cases prosecuted by the Office of the Attorney General in Fiscal Year 2017-18. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	45
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	6
(4) accusation matters for which further investigation was received by the Attorney General.	5
(5) accusations filed.	44
(6) accusations withdrawn.	2
(7) accusation matters adjudicated by the Attorney General.	50

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	199	190	125	44
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	241	216	100	8
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	570	245	699	22
(4) from the filing of an accusation to when a default decision is sent to the agency.	140	96	105	21
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	165	49	228	7
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	145	141	36	5

Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board

The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board regulated 24,021 licensees in Fiscal Year 2016-2017 with 13 license types, including Speech and Language Pathologist, Audiologist, Dispensing Audiologist, Speech Language Pathology Assistant, and Hearing Aid Dispenser. Complaints received by the Board are investigated by the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit. There is no generally applicable statute of limitations within which to file accusations for this agency, with the exception of certain kinds of violations, for which an accusation must be filed within three or four years from the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	7
(2) accusation matters rejected for filing by the Attorney General.	1
(3) accusation matters for which further investigation was requested by the Attorney General.	1
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	5
(6) accusations withdrawn.	1
(7) accusation matters adjudicated by the Attorney General.	9

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	162	42	186	7
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	166	154	67	6
(4) from the filing of an accusation to when a default decision is sent to the agency.	0	0	0	0
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	41	41	8	3
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	166	166	0	1

Structural Pest Control Board

The Structural Pest Control Board regulated 27,557 licensees in Fiscal Year 2016-17 with five license types. Most complaints received by the Board are investigated by the Board’s own staff of investigators, or referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. There were multiple respondents in about 22 percent of the Board’s accusation cases prosecuted by the Office of the Attorney General in Fiscal Year 2017-18. The statute of limitations requires a complaint to be received by the Board within two years from an alleged act or omission, and generally the accusation must be filed within 18 months after the Board’s receipt of the complaint.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	75
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	1
(4) accusation matters for which further investigation was received by the Attorney General.	2
(5) accusations filed.	49
(6) accusations withdrawn.	2
(7) accusation matters adjudicated by the Attorney General.	54

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	70	69	42	44
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	120	88	71	4
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	163	163	82	28
(4) from the filing of an accusation to when a default decision is sent to the agency.	107	96	67	14
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	86	71	53	11
(6) from the Attorney General’s receipt of a hearing date to the commencement of a hearing.	144	151	34	7

Veterinary Medical Board

The Veterinary Medical Board regulated 29,545 licensees in Fiscal Year 2016-17 with six license types. The Board receives consumer complaints and routinely inspects veterinary hospital premises for compliance. The Board's cases are investigated by the Board's own inspectors or other staff, and when appropriate, may also be referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit. There were multiple respondents in about 23 percent of the Board's accusation cases prosecuted by the Office of the Attorney General in Fiscal Year 2017-18. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	45
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	5
(4) accusation matters for which further investigation was received by the Attorney General.	6
(5) accusations filed.	44
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	22

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	251	197	160	22
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	352	366	103	4
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	313	287	154	16
(4) from the filing of an accusation to when a default decision is sent to the agency.	79	84	28	4
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	93	78	51	11
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	317	317	172	2

Board of Vocational Nursing and Psychiatric Technicians

The Board of Vocational Nursing and Psychiatric Technicians regulated 137,796 licensees in Fiscal Year 2016-17 with two license types, Vocational Nurse and Psychiatric Technician. Most complaints received by the Board are investigated by the Board’s own staff or investigators, and referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2017-18.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	287
(2) accusation matters rejected for filing by the Attorney General.	10
(3) accusation matters for which further investigation was requested by the Attorney General.	25
(4) accusation matters for which further investigation was received by the Attorney General.	21
(5) accusations filed.	261
(6) accusations withdrawn.	6
(7) accusation matters adjudicated by the Attorney General.	257

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	144	121	111	251
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	269	253	154	20
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	192	174	118	94
(4) from the filing of an accusation to when a default decision is sent to the agency.	94	67	86	93
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	135	94	121	71
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	137	111	99	51

CONCLUSION

This report for the data in Fiscal Year 2017-18 is based on some differences in calculating counts and averages compared to the first report. We expect consistency in these calculations going forward. Over time, the Office of the Attorney General will be able to derive insights related to performance, productivity, and public protection enhancements with respect to the reported-on prosecutions. The report will allow for statistical and predictive modeling techniques to identify trends and correlations to drive beneficial changes in business processes. The insights and value derived from this data will also provide the basis for the Office of the Attorney General to support the acquisition of additional resources and data tools as needed. We will endeavor to identify any performance gaps as additional relevant data is generated and case delivery mechanisms are examined. We anticipate that this report will facilitate collaboration among the Office of the Attorney General, Office of Administrative Hearings, and Department of Consumer Affairs, all of which join in responsibility for protection of the public through efficiency in adjudicating accusation matters.

This Attorney General's Annual Report on Accusations Prosecuted for Department of Consumer Affairs Client Agencies is also available on the Attorney General's website at <http://oag.ca.gov/publications>.

If you have any questions regarding this report, or if you would like additional information, please contact Sirat Attapit, Director of Legislative Affairs, at (916) 210-6192.

APPENDIX

Business and Professions Code section 312.2 states:

- (a) The Attorney General shall submit a report to the department, the Governor, and the appropriate policy committees of the Legislature on or before January 1, 2018, and on or before January 1 of each subsequent year that includes, at a minimum, all of the following for the previous fiscal year for each constituent entity within the department represented by the Licensing Section and Health Quality Enforcement Section of the Office of the Attorney General:
 - (1) The number of accusation matters referred to the Attorney General.
 - (2) The number of accusation matters rejected for filing by the Attorney General.
 - (3) The number of accusation matters for which further investigation was requested by the Attorney General.
 - (4) The number of accusation matters for which further investigation was received by the Attorney General.
 - (5) The number of accusations filed by each constituent entity.
 - (6) The number of accusations a constituent entity withdraws.
 - (7) The number of accusation matters adjudicated by the Attorney General.
- (b) The Attorney General shall also report all of the following for accusation matters adjudicated within the previous fiscal year for each constituent entity of the department represented by the Licensing Section and Health Quality Enforcement Section:
 - (1) The average number of days from the Attorney General receiving an accusation referral to when an accusation is filed by the constituent entity.
 - (2) The average number of days to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received by the Attorney General from a constituent entity or the Division of Investigation.
 - (3) The average number of days from an agency filing an accusation to the Attorney General transmitting a stipulated settlement to the constituent entity.
 - (4) The average number of days from an agency filing an accusation to the Attorney General transmitting a default decision to the constituent entity.
 - (5) The average number of days from an agency filing an accusation to the Attorney General requesting a hearing date from the Office of Administrative Hearings.
 - (6) The average number of days from the Attorney General's receipt of a hearing date from the Office of Administrative Hearings to the commencement of a hearing.
- (c) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.