

Exhibit

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KAREN L. WRUBEL, D.P.M., *President*  
ALEIDA GERENA-RIOS, M.B.A.

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## LICENSING AND MEDICAL EDUCATION COMMITTEE

- **Overview**

- ❖ The results of the National Board's Part III exam held June 2, revealed an 83% pass rate for California applicants. The next Part III exam is scheduled for December 1, 2010.
- ❖ Residency Program Applications for 2010-11 have all been returned and were approved by the Licensing and Medical Education Committee in June 2010.

- **Data Reports**

- ❖ Licensing numbers remain consistent as shown in Exhibit G.

- **Licensing Flow Chart**

- ❖ Licensing statistics are being submitted monthly to the Department of Consumer Affairs Executive Office as they work to eliminate backlogs found in many of the Boards. The Board of Podiatric Medicine is not experiencing backlogs, but is still required to report. Also shown in Exhibit H is a flow chart of our licensing process which all boards were required to submit.

Submitted by:

Bethany DeAngelis  
Licensing Coordinator  
July 2010

# Exhibit G

# BOARD OF PODIATRIC MEDICINE

## LICENSE STATUS SUMMARY – JULY 2010

License Status	E – Permanent	EFE – Fee-exempt*	EL – Resident's	Inactive	FNP – Fict.Name	Total
Valid	1816	214	115	42	390	2577
Delinquent	124	50	n/a		295	469
CME Not Adeq.	6	2	n/a		n/a	8
Failed CME Audit	0	n/a	n/a		n/a	0
Revoked	59	3	0		0	62
Vol. Surrender	37	4	0		0	41
Canceled	1732	184	n/a		568	2484
Deceased	176	52	0		n/a	228

\* Fee-exempt licenses are retired, military, or disabled status.

Submitted by:

Bethany DeAngelis  
Licensing Coordinator  
July 2010



**RESIDENT'S LICENSES (EL) – JULY 2010**

Category	Number of Residents by Year of Training				
	Year 1	Year 2	Year 3	Year 4	Total
PM&S-24	1	1	0	0	2
PM&S-36	34	35	41	0	110
FELLOWSHIP	0	0	0	0	0
ROTATIONS	n/a	n/a	3	n/a	3
<b>TOTAL</b>	<b>35</b>	<b>36</b>	<b>44</b>	<b>0</b>	<b>115</b>

PM&S-24 Podiatric Medicine & Surgery - 24 Months  
 PM&S-36 Podiatric Medicine & Surgery - 36 Months  
 ROTATIONS Residency licenses issued to trainees in out-of-state programs participating in California clinical rotations.

Prepared by:

Bethany DeAngelis  
 Licensing Coordinator  
 July 2010



**LICENSING STATISTICS BY FISCAL YEAR**

<b>New licenses issued</b>		<b>Active/inactive licenses*</b>	
1991/92	76	1991/92	2108
1992/93	53	1992/93	2134
1993/94	56	1993/94	1962
1994/95	41	1994/95	1924
1995/96	31	1995/96	1849
1996/97	69	1996/97	1845
1997/98	75	1997/98	1858
1998/99	63	1998/99	1853
1999/00	61	1999/00	1751
2000/01	76	2000/01	1755
2001/02	76	2001/02	1808
2002/03	71	2002/03	1834
2003/04	76	2003/04	1868
2004/05	54	2004/05	1851
2005/06	43	2005/06	1837
2006/07	60	2006/07	1836
2007/08	55	2007/08	1848
2008/09	47	2008/09	1895
2009/10	59	2009/10	1905
2010/11	6 to date	2010/11	1908 to date

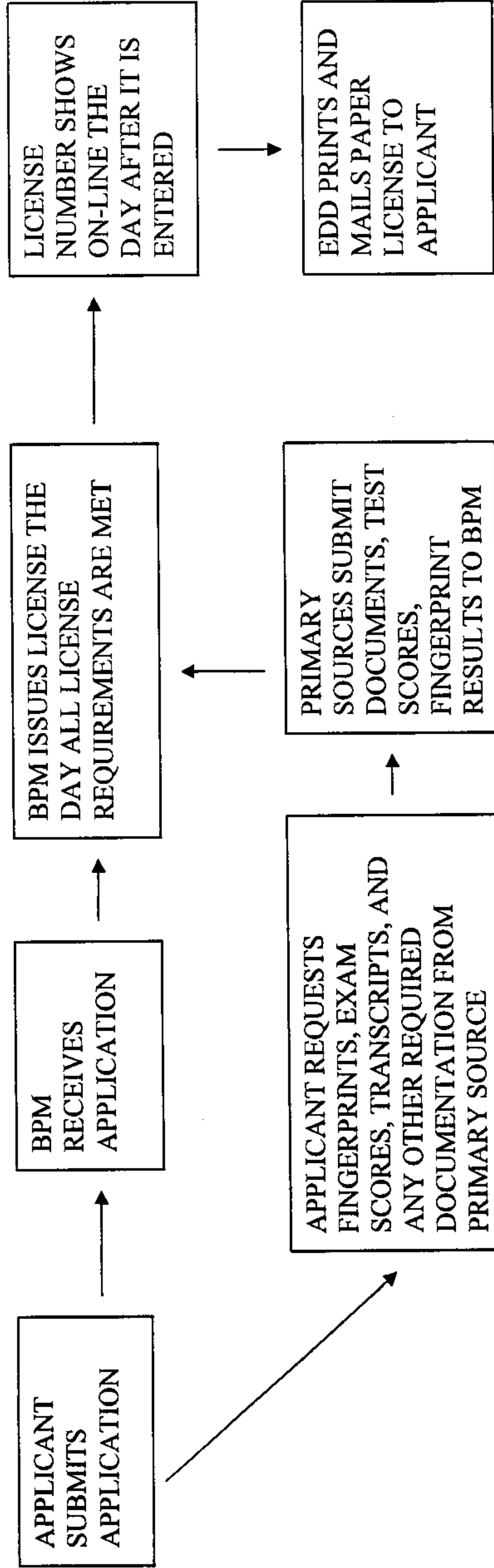
\* **fee-exempt categories and residents excluded**

Submitted by:

Bethany DeAngelis  
 Licensing Coordinator  
 July 2010

# Exhibit H

BPM LICENSIN LOW CHART





# Exhibit

## I



MEDICAL BOARD OF CALIFORNIA  
**BOARD OF PODIATRIC MEDICINE**  
2005 Evergreen Street, Suite 1300, Sacramento, CA 95815  
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## ENFORCEMENT COMMITTEE

### a. Overview.....I

**Citation and Fine Policy:** Department of Consumer Affairs Director, Brian Stiger, sent out a memorandum (exhibited on next page) informing all boards and bureaus of recent discussions with Agency to maximize the use of existing enforcement tools. The proposed change in the citation and fine regulations would eliminate the need to have circumstances 1-4 apply before the Board could issue a citation and fine between \$2,501 and \$5,000.

**Status of Probation Program:** On June 25, 2010, staff held its annual probation meeting. Staff and probation monitors reviewed CME and other educational courses that have been approved to satisfy probation conditions, procedures on the two year license cancelation condition that is used for tolled probationers, updates to probation forms, and specifications and procedures for "First Lab," the new biological fluid testing company that is in place for probationers. Staff is pleased with the results of the probation program and is fortunate to have Ms. Christina Holley as the current Probation Coordinator.

**Revisions to Enforcement Manuals:** Staff has been working on revisions to BPM's Enforcement Manual, Cite and Fine Manual and the Probation Manual. These manuals contain all standard operating procedures and forms for consultants, staff, and investigators working with cases in MBC's complaint unit, field offices, and the board office. Once the revisions are in place, they will be posted to DCA's intranet Knowledge Management Center.

**Expert Reviewer Training:** On June 22, 2010, staff held an Expert Reviewing Training Session. The panel of subject matter experts consisted of: Joseph Giacobelli, DPM - Case Review Session; John Hirai, Supervising Investigator II, Medical Board of California - Investigation Process; Heidi Weisbaum, Deputy Attorney General, Office of the Attorney General - Disciplinary Process; and the Honorable Stephen E. Hjelt - Hearing Process. There were twenty experts in attendance. Post-training evaluations indicated that the speakers were exceptional, the manual is informative, and the case sample reports in the manual are good examples. There were a few comments that the case review session itself was not as organized as it could have been and staff tends to agree with these comments. In 2011, staff plans to hold this same training in Northern California. BPM consultants have already begun to re-work the case review portion of the program. Board Members will receive a copy of the June 2010 Expert Reviewer Training Manual and DVD.

### b. Data Reports.....J

Complaint and Disciplinary Date Report, Continuing Competence Report, BPM and MBC Matrix Reports, the Monthly Enforcement Report to DCA, and the Probation Report are exhibited in Tab J.

- c. **Overview of the enforcement process.....K**  
The Overview of the Enforcement Process is exhibited in Tab K.
  
- d. **Proposed Revisions: Manual of Disciplinary Guidelines.....L**  
Staff is currently reviewing the Medical Board of California's proposed changes to the Uniform Standards regarding Substance-Abusing Healing Arts Licensees (SB1441) and related boilerplate language prepared by DCA. These standards were implemented by the Department of Consumer Affairs, Substance Abuse Coordination Committee. Proposed changes to the Board's 2005 Manual will be reviewed by the Enforcement Committee prior to the next meeting and will be exhibited in the October 2010 agenda book.

Submitted by:

Michelle Mason  
Enforcement Coordinator  
July 15, 2010

# Exhibit J

**COMPLAINT & DISCIPLINARY DATA**

FY 09/10 July 1, 2010 - June 30, 2010

Fiscal Year	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10
Numbers of Licensees*:	1808	1834	1868	2016	2004	2000	2014	2022	2039
Complaints Received**:	226	200	178	147	109	116	104	108	125
Open Cases: 68									
Discipline Cases Pending at Attorney General: 8									
Licensees on Probation: 33									
Citations and Fines	5	5	1	1	4	1	0	4	4
Cease/desist Letters***	16	2	7	10	5	6	4	5	2
Referred to Attorney General	23	14	14	12	12	13	9	7	11
Referred to District Attorney	6	0	2	0	0	1	0	0	0
Accusations/Petitions to Revoke Probation/SOI	12	9	11	9	7	12	8	4	8
Penalty Relief Petitions Filed	4	1	2	1	0	1	1	1	2
Hearings****	7	6	6	4	2	2	5	2	2
Prop. Dec. Non-adopted	1	0	1	0	1	0	0	0	0
Prop. Dec. Adopted	6	6	6	2	1	2	1	2	2
Stipulations Adopted	5	9	5	6	6	9	5	8	5
Probations	1	12	6	4	4	9	5	6	5
Suspensions	1	1	2	1	0	1	2	1	1
Revocations	1	1	3	1	2	0	1	2	1
Surrenders During Prosecution	1	2	2	1	2	0	0	0	1
Public Letter of Reprimand	2	0	0	0	0	0	0	0	0
Other	2	0	0	0	0	0	0	2	0
Criminal arrests/convictions	1/1	0/0	2/1	0/0	0/0	1/0	0/0	0/1	0/0
Temporary Restraining Orders/Interim Suspensions/Automatic Suspensions/PC-23 Orders	3	1	2	1	0	2	1	1	1

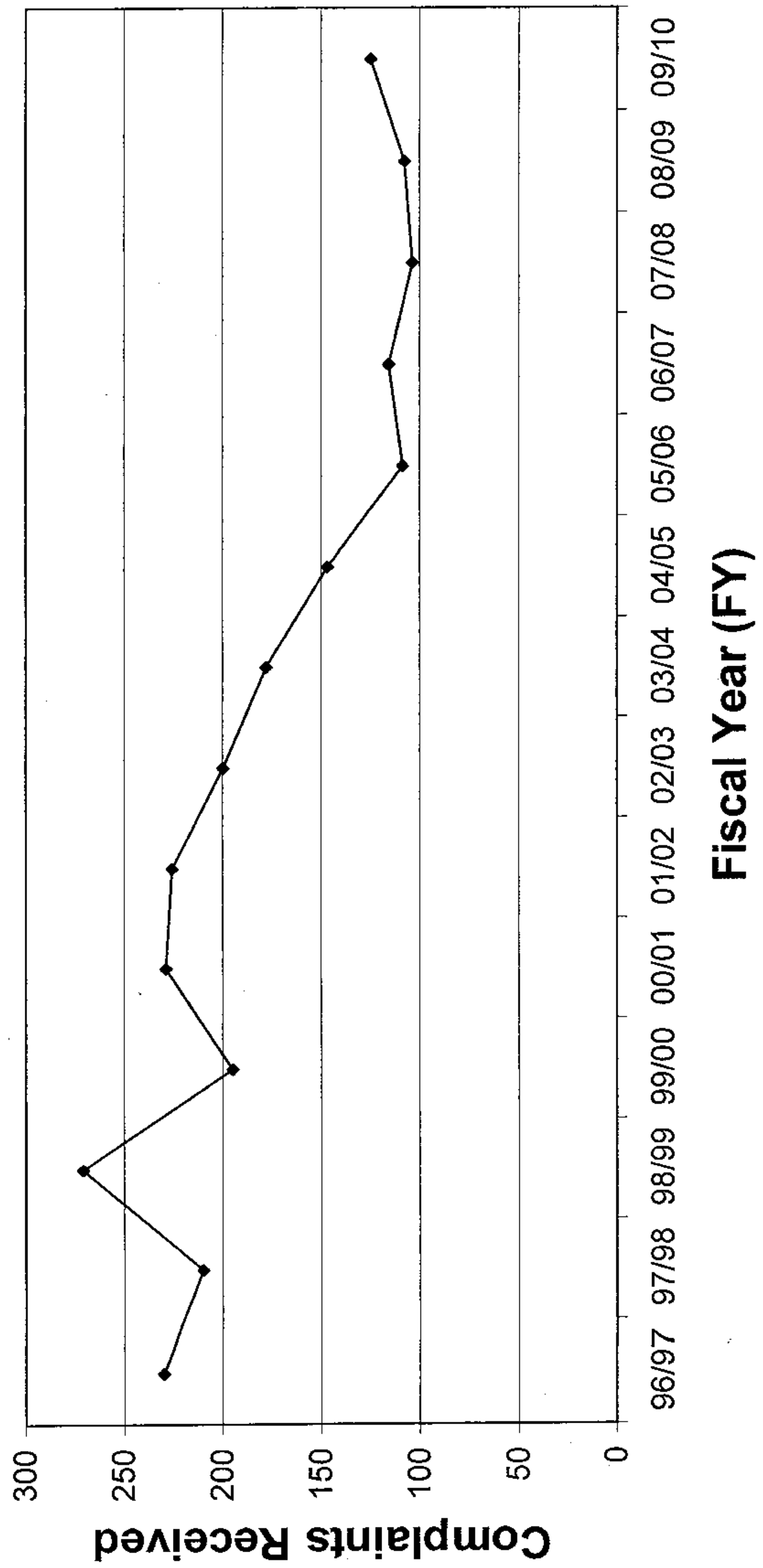
\* includes all licensees with a status code 10 (E)

\*\* includes multiple complaints against individual licensees

\*\*\* includes letters following educational interviews

\*\*\*\* includes reinstatements, penalty relief petitions, and any other cases heard by an Administrative Law Judge (ALJ)

## Complaints Received Since Implementation of BPM's Continuing Competence Program (January 1, 1999)



Fiscal Year	96/97	97/98	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10
Complaints Received	230	210	271	195	229	226	200	178	147	109	116	104	108	125

AVERAGE NUMBER OF DAYS FOR OPEN CASES AS OF 06/30/2010

FOR: 1B BOARD OF PODIATRIC MEDICINE

CAT/CSR CSA (1)	CONSULT (2)	EXEC OFFICER	INVEST- IGATION	---ATTORNEY GENERAL--- PRE (3) POST (4)
64	48	0	197	74 362

\*\*\* AVERAGE AGING CASES CALCULATED USING OPEN CASES ONLY \*\*\*

- (1) INITIAL COMPLAINT REVIEWED BY CONSUMER ASSISTANT TECHNICIAN / CONSUMER SERVICES REPRESENTATIVE / ANALYST.
- (2) CONSULTANT REVIEW DURING EVALUATION OF COMPLAINT.
- (3) CASES AWAITING FILING OF ACCUSATION BY ATTORNEY GENERAL'S OFFICE.
- (4) CASES AFTER FILING OF AN ACCUSATION BY ATTORNEY GENERAL'S OFFICE.

DAYS:	M O N T H S		Y E A R S				TOTAL	
	0-3 (0-90)	4-6 (91-180)	7-9 (181-270)	10-12 (271-364)	1 (365-728)	2 (729-1092)		3 (1093-1456)

CAT/ CSR/ CSA	18	5	1						24
CONSULTANT	2								2
EXEC OFFICER									
INVESTIGATION	9	8	9	3	4				33
AG - PRE	3								3
AG - POST	1	2	1		1				6
** REPORT TOTALS:	33	15	10	4	5	1			68

INITIAL COMPLAINT REVIEWED BY CONSUMER ASSISTANT TECHNICIAN / CONSUMER SERVICES REPRESENTATIVE / ANALYST.

CONSULTANT REVIEW DURING EVALUATION OF COMPLAINT.

CASES AWAITING FILING OF ACCUSATION BY ATTORNEY GENERAL'S OFFICE.

CASES AFTER FILING OF AN ACCUSATION BY ATTORNEY GENERAL'S OFFICE.

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 ^Y70,10,3250,7,2  
 ^Y80,10,3250,7,2  
 ^Y90,10,3250,7,2  
 ^Y100,10,3250,7,2



FOR: IDENTIFIERS OF PHYSICIANS AND SURGEONS

CAT/CSR CSA (1)	CONSULT (2)	EXEC OFFICER	INVEST- IGATION	---ATTORNEY GENERAL--- PRE (3) POST (4)
PHYSICIANS & SURGEONS 54	33	0	241	147 280

\*\*\* AVERAGE AGING CASES CALCULATED USING OPEN CASES ONLY \*\*\*

- (1) INITIAL COMPLAINT REVIEWED BY CONSUMER ASSISTANT TECHNICIAN / CONSUMER SERVICES REPRESENTATIVE / ANALYST.
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FOR: IDENTIFIERS OF PHYSICIANS AND SURGEONS

DAYS:	M O N T H S		Y E A R S		TOTAL
	0-3 (0-90)	4-6 (91-180)	7-9 (181-270)	10-12 (271-364)	
CAT/ CSR/ CSA	786	116	18	6	928
CONSULTANT	266	15			281
EXEC OFFICER					
INVESTIGATION	284	230	179	149	1106
AG - PRE	81	34	18	7	156
AG - POST	77	72	59	37	307
** REPORT TOTALS:	1494	467	274	199	2778

INITIAL COMPLAINT REVIEWED BY CONSUMER ASSISTANT TECHNICIAN / CONSUMER SERVICES REPRESENTATIVE / ANALYST.

CONSULTANT REVIEW DURING EVALUATION OF COMPLAINT.

CASES AWAITING FILING OF ACCUSATION BY ATTORNEY GENERAL'S OFFICE.

CASES AFTER FILING OF AN ACCUSATION BY ATTORNEY GENERAL'S OFFICE.

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 ^Y80,10,3250,7,2  
 ^Y90,10,3250,7,2  
 ^Y100,10,3250,7,2

Monthly Enforcement Report to DCA

(7/15/2010)

Program Name: Board of Podiatric Medicine

Complaint Intake

Complaints Received by the Program.  
Measured from date received to assignment for investigation or closure without action.

Received	14	12	9	7	8	9		
Closed without Assignment for Investigation	0	0	0	0	0	0		
Assigned for Investigation	16	13	10	9	5	11		
Average Days to Close or Assigned for Investigation	9	10	12	7	6	12		
Pending	4	3	2	0	3	1		

Received	1	1	3	3	0	3		
Closed	0	2	2	4	0	2		
Average Days to Close	0	5	16	6	0	9		
Pending	1	0	1	0	0	1		

Complaints investigated by the program whether by desk investigation or by field investigation.  
Measured by date the complaint is received to the date the complaint is closed or referred for enforcement action.  
If a complaint is never referred for Field Investigation, it will be counted as 'Closed' under Desk Investigation.  
If a complaint is referred for Field Investigation, it will be counted as 'Closed' under Non-Sworn or Sworn.

Investigation

Initial Assignment for Desk Investigation	16	14	12	13	5	13		
Closed	6	12	14	8	13	6		
Average Days to Close	206	73	81	68	129	95		
Pending	35	35	31	34	22	26		

Assignment for Non-Sworn Field Investigation	0	0	0	0	0	0		
Closed	0	0	0	0	0	0		
Average Days to Close	0	0	0	0	0	0		
Pending	0	0	0	0	0	0		

Assignment for Sworn Field Investigation	4	3	2	2	4	3		
Closed	0	0	2	4	3	0		

Average Days to Close	0	0	654	548	514	0			
Pending	28	31	31	29	30	33			

Closed	6	12	16	12	16	6			
Average Days to Close	206	73	153	228	201	95			
Pending	63	66	62	63	52	59			

**Enforcement Actions**

This section DOES NOT include subsequent discipline on a license. Data from complaint records combined/consolidated into a single case will not appear in this section.

AG Cases Initiated	0	0	0	3	0	0			
AG Cases Pending	13	10	9	11	8	8			
SOIs Filed	0	0	1	0	0	0			
Accusations Filed	1	0	0	0	0	0			
Proposed/Default Decisions Adopted	0	1	0	0	1	0			
Stipulations Adopted	0	2	0	1	1	0			
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	0	3	0	1	2	0			
Average Days to Complete*	0	559	0	805	862	0			

Final Citations	0	0	1	1	0	1			
Average Days to Complete*	0	0	937	523	0	111			

\* - The number of days from receipt of complaint to the effective date of the citation or the effective date of the disciplinary order.

**Board of Podiatric Medicine's  
Probation Surveillance Program  
July 2010**

<b>Complaint No.</b>	<b>Subject's Name</b>	<b>Probation Officer</b>	<b>Medical Consultant</b>	<b>Practice Monitor</b>	<b>Status</b>	<b>Completion Date</b>
<b>Active Status:</b>						
1B-2000-111711	Schultz, Alan	Emilio	Giacopelli		Active	11/05/09+
1B-2002-138520	Austin, Gerald	Seamons	Greenwald	Neagu	Active	09/18/10
1B-2002-136887	Liddy, Timothy	Rodriguez	Walburg		Active	12/08/10
1B-2004-159009	Marangoni, Anne	Seamons	Gerbert		Active	01/12/11
1B-2007-186067	Lee, Jake	Seamons	As needed		Active	01/29/11
1B-2004-158243	Lai, Chun-Sun	Seamons	Greenwald		Active	02/05/11
1B-2009-199504	Gilman, Rose Diane	Emilio	Walburg		Active	02/11/11
1B-1999-102247	Splettstoesser, James	Seamons	Buckenberger		Active	03/03/11
1B-2003-144948	Perales, Theresa	Seamons	Shuken		Active	05/08/11
1B-2004-160535	Ky, Nguyen	Seamons	Greenwald		Active	11/01/11
1B-2002-139109	Tabassian, Mitra	Rodriguez	Labovitz	Wagreich	Active	07/06/11
1B-2009-199504	Nazarian, Serjik	Emilio	Wagreich		Active	08/04/11
1B-2001-125040	Rash, Wayne	Seamons			Active	03/21/12
1B-2006-172684	Chen, Eric	Emilio	Wagreich		Active	05/26/12
1B-2004-162454	Hernandez, Virgil	Emilio	Giacopelli	Wagreich	Active	07/09/12
1B-2003-142446	Hague, Douglas	Campbell	Sarte		Active	10/08/12
1B-2008-189509	Kobayashi, Wesley	Rodriguez	Wagreich		Active	03/05/13
1B-2005-163869	Lawrence, Eric	Emilio	Walburg	Labovitz	Active	11/19/13
1B-2006-178311	Allen, Kirk	Seamons	Greenwald		Active	11/19/13

Complaint No.	Subject's Name	Probation Officer	Medical Consultant	Practice Monitor	Status	Completion Date
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1B-2004-162844	Graves, Richard	Rodriguez	Labovitz	Alavy	Active	03/09/14
1B-2007-181509	Servatjoo, Parviz	Rodriguez	Walburg	Walburg	Active	05/08/14
1b-2005-169051	Nguyen, Tan	Seamons	Bois	Bois	Active	08/17/14
1B-2004-162196	Carrasco, Pete	Emilio	Wagreich	PEP	Active	07/02/15
1B-2004-1588802	Moy, Richard	Rodriguez	Labovitz	Taubman	Active	10/01/15
1B-2005-167595	Truong, Vinncente	Seamons	Greenwald	Greenwald	Active	07/28/18
					<b>Subtotal</b>	<b>25</b>

**Tolled Status: (Out of State)**

1B-1990-3602	Marek, Neal	Seamons			Tolled	
1B-2000-105396	Salz, Joseph	Seamons			Tolled	
1B-2006-179270	O'Meara, Sean	Seamons			Tolled	
					<b>Subtotal</b>	<b>3</b>

**Tolled Status: (In State)**

1B-1990-5979	Metz, Douglas	Seamons			Pended	
1B-1996-64516	Levy, Sherwin	Seamons			Pended	
1B-1995-52592	Weber, Bennie	Seamons			Pended	
1B-1998-090267	Jarvis, Brian	Seamons			Pended	
1B-2002-133194	Fowler, Morris	Seamons			Pended	
					<b>Subtotal</b>	<b>5</b>

**TOTAL PROBATION MONITORING CASES: 33**

**COMPLIANCE CASES – NON-PROBATIONARY**

**1B-2005-165008    Brim, Mark Avery**

**Pending**

**Conditions:**

- 1) 65 hours of CME for three calendar years
- 2) Enroll in a Medical Recordkeeping Course
- 3) Pay \$15,000 for cost recovery

**Due Dates:**

July 13, 2009 – deadline to submit for approval    OK

July 13, 2009 – deadline to enroll    OK

May 14, 2012 – deadline to pay cost recovery in full

**Issue Public Reprimand**

May 14, 2012 – if successfully completed all terms and conditions

# Exhibit K





Medical Board of California  
**BOARD OF PODIATRIC MEDICINE**  
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PHONE: 916.263.2647 FAX: 916.263.2651

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JAMES J. LONGOBARDI, D.P.M.

JAMES R. LA ROSE, D.P.M., *Vice President*  
NEIL B. MANSDORF, D. P. M.

## **ENFORCEMENT COMMITTEE**

### **Overview of the Enforcement Process:**

Licensing and enforcement of the Medical Practice Act are the two major responsibilities the Legislature has assigned to the Medical Board of California (MBC) and the State Board of Podiatric Medicine (BPM). BPM contracts with the larger MBC for services, including those from Central Complaints and regional offices of investigators. MBC and BPM contract with the Attorney General's office for prosecution, use independent Administrative Law Judges (ALJs), and follow the State Administrative Procedure Act (APA) like all other state licensing boards to ensure due process.

Complaints are initially assigned to a consumer services analyst for review. The most common type of complaint received involves quality of care. When a complaint involving medical care and treatment is filed and a release is signed, the MBC will obtain copies of all medical records, as well as a written summary of care from each of the treating medical providers. Once all records and summaries are received, the entire file will be forwarded to one of the BPM consultants for a thorough review.

The podiatric medical consultant's evaluation will determine whether the complaint requires further review by one of the MBC's investigative offices or whether the Central Complaint Unit will close the complaint. If the review determines that the actions of the doctor were not below the acceptable standard of medical care, the Board has no authority to proceed, and the complaint will be closed. If the Board finds that the treatment fell below the standard of care but does not represent gross negligence, the complaint will be closed but will be maintained on file for the Board's future reference.

If a complaint is referred to an investigative office, the investigator will review and gather all factual evidence, send the case to an expert reviewer and conduct interviews. During the interview process, the consultant and the Deputy Attorney General assigned to the case will participate. If the investigator, after these reviews, recommends a case be referred to the Attorney General, the board's enforcement coordinator authorizes the transmittal. A Deputy Attorney General then reviews the case and, if appropriate, prepares an Accusation. Once signed by the board's Executive Officer, the Accusation becomes a public document, and a hearing is then scheduled before an Administrative Law Judge (ALJ). Frequently, the Board and the doctor settle out of court by entering into a Stipulated Agreement.

If the case goes to hearing, the ALJ takes the testimony and prepares a proposed decision based on the official record of evidence. Both stipulated agreements and proposed decisions go to the board (the seven board members appointed by the Governor and Legislature) for decision.

In summary, "Administrative Discipline" results from the Board's review of complaints submitted by patients, providers, facilities, insurers, and other law enforcement agencies. Last fiscal year (July 1, 2008 through June 30, 2009) 108 complaints were received by the MBC's Central Complaint Unit. Of those complaints, 62 involved quality-of-care and were reviewed by podiatric medical consultants. 19 cases, originating in or before fiscal year 08/09 were sent to investigation, and 9 of those were reviewed by an expert reviewer. Of the 10 Board Decision and Orders that became effective last fiscal year, 8 cases settled and 2 went through the administrative hearing process

Submitted by:

Michelle Mason  
Enforcement Coordinator  
February 3, 2010

# Exhibit L



STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR

MEDICAL BOARD OF CALIFORNIA  
**BOARD OF PODIATRIC MEDICINE**  
2005 Evergreen Street, Suite 1300, Sacramento, CA 95815  
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There are no changes to the Manual of Disciplinary Guidelines at this time.